

Exhibit 3

IRVINGTON PUBLIC SCHOOLS' OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT (IRVINGTON) (SD MSJ NO.4)

Case No.: 4:22-md-03047-YGR

MDL No. 3047

Member Case No.: 4:23-cv-01467-YGR

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

CONFIDENTIAL

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

- - - - -

IN RE: SOCIAL MEDIA CASE NO.
ADOLESCENT ADDICTION/PERSONAL 4:22-md-03047-YGR
INJURY PRODUCTS LIABILITY MDL No. 3047
LITIGATION

THIS DOCUMENT RELATES TO:

Irvington Public Schools

vs.

Meta Platforms Inc., et al.

Member Case No.: 4:23-cv-01467-YGR

- - - - -

Thursday, May 16, 2025

CONFIDENTIAL - ATTORNEYS' EYES ONLY

PURSUANT TO PROTECTIVE ORDER

30(b)(6) Videotaped deposition of DR.

APRIL VAUSS, held at the offices of the Irvington
Board of Education, One University Place, Irvington,
New Jersey, commencing at 9:11 a.m. Eastern, on the
above date, before Robin L. Clark, Professional
Reporter and Notary Public in and for the State of
New Jersey.

CONFIDENTIAL

Page 2

1 APPEARANCES:

2 CARELLA, BYRNE, CECCHI, BRODY
3 & AGNELLO, P.C.

4 BY: MICHAEL A. INNES, ESQ.
5 DAVID G. GILFILLAN, ESQ. (Zoom)
6 5 Becker Farm Road
7 Roseland, New Jersey 07068
8 973-994-1700
9 minnes@carellabyrne.com
10 dgilfillan@carellabyrne.com

11 For the Plaintiffs and the
12 Witness

13 KIRKLAND & ELLIS LLP
14 BY: ANDREW KARP, ESQ.
15 VANESSA DiFEO, ESQ. (Zoom)
16 601 Lexington Avenue
17 New York, New York 10022
18 212-341-7593
19 andrew.karp@kirkland.com
20 vanessa.difeo@kirkland.com

21 For the Defendant, Snap,
22 Inc.

23 KIRKLAND & ELLIS LLP
24 BY: FARAZ SHAHIDPOUR, ESQ.
25 333 West Wolf Point Plaza
Chicago, Illinois 60654
312-862-1541
faraz.shahidpour@kirkland.com

For the Defendant,
Snap, Inc.

ALSO PRESENT:

DANIEL ORTEGA, VIDEOGRAPHER

MICHAEL FRONZAGLIA, TRIAL TECH

CONFIDENTIAL

Page 3

REMOTE APPEARANCES:

SHOOK, HARDY & BACON, L.L.P.
BY: TERRENCE J. SEXTON, ESQ.
2555 Grand Boulevard
Kansas City, Missouri 64108
816-474-6550
tsexton@shb.com

For the Defendants, Meta
Platforms, Inc., f/k/a Facebook, Inc.;
Facebook Holdings, LLC;
Facebook Operations, LLC; Facebook
Payments, Inc.; Facebook Technologies,
LLC; Instagram, LLC; and Siculus, Inc.

SHOOK, HARDY & BACON, L.L.P.
BY: KATELYN ROMEO, ESQ.
Two Commerce Square
2001 Market Street, Suite 3000
Philadelphia, Pennsylvania 19103
215-278-2555
kromeo@shb.com

For the Defendants, Meta
Platforms, Inc., f/k/a Facebook, Inc.;
Facebook Holdings, LLC;
Facebook Operations, LLC; Facebook
Payments, Inc.; Facebook Technologies,
LLC; Instagram, LLC; and Siculus, Inc.

KING & SPALDING LLP
BY: ISABEL KING, ESQ.
110 North Wacker Drive, Suite 3800
Chicago, Illinois 60606
312-995-6333
iking@kslaw.com

For the Defendants,
TikTok, Ltd.; TikTok, LLC;
TikTok, Inc.; ByteDance Ltd.; and
ByteDance Inc.

CONFIDENTIAL

Page 4

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
BY: DANIEL COBOURN, ESQ.
320 South Canal St.
Chicago, Illinois 60606
312-407-0700
daniel.cobourn@skadden.com

For the Defendant, Snap, Inc.

WILLIAMS & CONNOLLY LLP
BY: ANNIE E. SHOWALTER, ESQ.
680 Maine Avenue, S.W.
Washington, D.C. 20024
202-434-5841
ashowalter@wc.com

For the Defendants, Alphabet,
Inc., Google, LLC and YouTube, LLC

- - - - -

CONFIDENTIAL

Page 5

1	I N D E X	
2	WITNESS	PAGE
3	DR. APRIL VAUSS	
	BY MR. KARP:	10, 353
4	BY MS. SHOWALTER:	325
	BY MR. INNES:	335

5	E X H I B I T S	
6	NUMBER	DESCRIPTION MARKED
7	Vauss	
9	Exhibit 1	Defendants' Amended Supplemental Notice of Oral and Videotaped Deposition 30(b)(6) Deposition of Plaintiff Irvington Public Schools 12
10		
11		
12	Exhibit 2	Binder of Documents 25
13		
14	Exhibit 3	Graduation Rates 31
15		
16	Exhibit 4	Notes from conversation with Dean Bryant 31
17		
18	Exhibit 5	Comprehensive Annual Financial Reports from 2016 through 2023 32
19		
20	Exhibit 6	Plaintiff's Third Amended Answers to Defendants' Interrogatories to Irvington Public Schools (Set 3) 75
21		
22	Exhibit 7	Letter Bates BW__Irvington00463683 to 00463688 134
23		
24	Exhibit 8	Email String Bates BW__Irvington 00002168 to 00002169 157
25		
	Exhibit 9	Letter Bates BW__Irvington00002170 159

CONFIDENTIAL

Page 6

1	Exhibit 10	PowerPoint Presentation	162
2		Bates BW__Irvington	
3		00487452	
4	Exhibit 11	Letter dated 12/16/21 on	176
5		IPS Website	
6	Exhibit 12	Tip Sheet on Social Media	187
7		Use and Mental Health Bates	
8		BW__Irvington00032486 to	
9		00032487	
10	Exhibit 13	2024-2025 Student Code of	206
11		Conduct Bates	
12		BW__Irvington00629350 to	
13		00629430	
14	Exhibit 14	Email dated 6/11/21 Bates	226
15		BW__Irvington00161074	
16	Exhibit 15	Policy 3283 on Electronic	227
17		Communication Between	
18		Teaching Staff Members and	
19		Students Bates	
20		BW__Irvington00161075 to	
21		00161079	
22	Exhibit 16	School Safety Data System	230
23		2023-24 Incidents Bates	
24		BW__Irvington00673652 to	
25		00673661	
	Exhibit 17	Student Safety Data System	238
		2017-18 Incidents Bates	
		BW__Irvington00673582 to	
		00673596	
	Exhibit 18	2019 Crime in the United	254
		States	
	Exhibit 19	Uniform Crime Report Crime	256
		in the United States, 2019	
	Exhibit 20	2019 Crime in the United	259
		States (New Jersey)	
	Exhibit 21	NJ.com Article	265

CONFIDENTIAL

Page 7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Exhibit 22	Third Amended Plaintiff Fact Sheet - School Districts	268
Exhibit 23	Plaintiff Fact Sheet - School Districts (Supplemental)	270
Exhibit 24	RLS Media Article	285
Exhibit 25	2023-2024 BSCA Stronger Connections Grant 3047 MDL__002074__NJDOE__0002706 to 0002769	293

CONFIDENTIAL

Page 8

DEPOSITION SUPPORT INDEX

- - - - -

Direction to Witness Not to Answer

Page Line

36 13

39 19

Request for Production of Documents

Page Line

NONE

Question Marked

Page Line

NONE

CONFIDENTIAL

Page 9

1 THE VIDEOGRAPHER: We are now
2 on the record. My name is Daniel
3 Ortega and I am the legal
4 videographer for Golkow Litigation
5 Services. Today's date is May 16,
6 2025, and the time is 9:11 a.m.

7 This video deposition is
8 being held at social -- sorry,
9 One University Place, Irvington,
10 New Jersey, in the matter of
11 Social Media, CA MDL 3047,
12 Irvington Public Schools versus
13 Meta Platforms, Inc., et al.

14 The deponent today is April
15 Vauss. All counsel will be noted
16 on the stenographic record. The
17 court reporter today is Robin
18 Clark who will now swear in the
19 witness.

20 - - - - -

21 DR. APRIL VAUSS, having been
22 duly sworn, was examined and
23 testified as follows:

24 - - - - -
25

CONFIDENTIAL

Page 10

1 BY MR. KARP:

2 Q. Good morning, Dr. Vauss.

3 A. Good morning.

4 Q. How are you?

5 A. I'm well. How about
6 yourself?

7 Q. I'm doing well. It's good to
8 see you again. Can you please state your
9 name for the record?

10 A. Dr. April Vauss.

11 Q. For completeness here on this
12 transcript, my name is Andrew Karp. I
13 represent Snap in this lawsuit. You
14 understand that you're under oath today?

15 A. Yes.

16 Q. Is there any reason you
17 cannot provide truthful and accurate
18 testimony today?

19 A. Yes.

20 Q. If at any time you don't
21 understand the question I'm asking, please
22 let me know so I that can clarify,
23 otherwise, I'll assume that you have
24 understood the question. Is that okay?

25 A. Yes.

CONFIDENTIAL

Page 11

1 Q. We haven't had a problem with
2 this so far, but verbal answers are
3 preferred, just so that the court reporter
4 can get an accurate record of our
5 conversation.

6 A. Yes.

7 Q. Throughout today's
8 deposition, I may refer to Irvington Public
9 Schools as IPS. If I use that acronym,
10 you'll understand I mean Irvington Public
11 Schools?

12 A. Yes.

13 Q. Are you familiar with who the
14 Defendants are in this litigation?

15 A. Yes.

16 Q. And who are they?

17 A. SnapChat, YouTube, I think
18 Google platform, Facebook, Instagram.

19 Q. Anyone else?

20 A. I think I named them all.

21 Q. Are you aware of whether
22 TikTok is a Defendant in this case?

23 A. Oh, I'm sorry, yes and
24 TikTok.

25 Q. Throughout today's deposition

CONFIDENTIAL

Page 12

1 I may refer to Defendants' platforms. Do
2 you understand that when I use that phrase,
3 I'm referring to Facebook, Instagram,
4 TikTok, SnapChat, and YouTube?

5 A. Yes.

6 Q. I'm handing you tab 1B, which
7 we will mark as Exhibit 1. This document
8 is Defendants' Amended Supplemental Notice
9 of Oral and Videotaped Deposition 30(b)(6)
10 Deposition of Plaintiff Irvington Public
11 Schools.

12 Do you see that?

13 A. Yes.

14 - - - - -

15 (Defendants' Amended
16 Supplemental Notice of Oral and
17 Videotaped Deposition 30(b)(6)
18 Deposition of Plaintiff Irvington
19 Public Schools marked Vauss
20 Exhibit 1 for identification.)

21 - - - - -

22 BY MR. KARP:

23 Q. Have you seen this document
24 before?

25 A. Yes.

CONFIDENTIAL

Page 13

1 Q. When did you first see this
2 document?

3 A. I can't recall the first
4 time.

5 Q. Do you recall an approximate
6 date of when you first saw this notice?

7 A. I've seen it, but I don't
8 want to take a guess.

9 Q. What is your understanding of
10 why you're here to testify today?

11 A. I'm testifying on behalf of
12 Irvington Public Schools in regards to
13 social media's injury, addiction for our
14 scholars.

15 Q. You understand that you are
16 speaking on behalf of the district for the
17 topics that are indicated on the first page
18 of this notice?

19 A. Yes.

20 Q. Okay. And if you look at the
21 first page of the notice, about halfway
22 down, it indicates that you are designated
23 to testify on topic numbers 1 through 24,
24 26 through 31, 35, 36, 37, 39, 41, 43, 45,
25 and 47 through 70.

CONFIDENTIAL

Page 14

1 Do you see that?

2 A. Yes.

3 Q. Is it your understanding that
4 you're here to testify on behalf of the
5 district with respect to those topics?

6 A. Yes.

7 Q. Okay. Are you here to
8 testify for the district on any other
9 topics?

10 A. No.

11 Q. What did you do -- excuse me,
12 strike that.

13 Did you do anything to
14 prepare for today's deposition?

15 A. Yes.

16 Q. What did you do to prepare?

17 MR. INNES: Dr. Vauss, I'll
18 just caution, there's going to be,
19 I'm assuming a long line of
20 questions about your preparation.
21 My only instruction to you would be
22 not to divulge the content of
23 conversations you've had with
24 counsel.

25 THE WITNESS: Okay.

CONFIDENTIAL

Page 15

1 MR. INNES: Other than that,
2 please feel free to answer the
3 questions.

4 THE WITNESS: Okay. I,
5 obviously, I read the document and
6 I spoke with staff members and I
7 also, depending on topics, I looked
8 up different work products and
9 things that would be applicable to
10 the questions that were noted in
11 the topics.

12 BY MR. KARP:

13 Q. Did you meet with your
14 counsel to prepare for today's deposition?

15 A. Yes.

16 Q. When did you first meet with
17 counsel to prepare for today's deposition?

18 A. I wouldn't be able to recall
19 a specific time.

20 Q. Do you recall if it was
21 approximately a month ago or was it maybe
22 even further back than that?

23 A. Can you ask your question
24 again?

25 Q. Sure. And it wasn't a good

CONFIDENTIAL

Page 16

1 question, so I'll reask it happily.

2 Can you approximate a date
3 when you first met with counsel?

4 A. I probably could not. I
5 don't want to guess, so I would say I met
6 with him.

7 Q. Approximately how many
8 meetings did you have with counsel?

9 A. I would say I had multiple
10 meetings, the exact number, I wouldn't be
11 able to recall.

12 Q. Just to get a sense of kind
13 of orders of magnitude, is it closer to 20
14 meetings or closer to five meetings?

15 A. I shouldn't guess. I would
16 just say multiple, multiple meetings.

17 Q. Approximately how long did
18 those meetings last?

19 A. Once again, I don't want to
20 guess, so I won't guess.

21 Q. Do you remember if the
22 meetings lasted half an hour or four hours?

23 A. Did they last 30 minutes or
24 four hours? I wouldn't -- I couldn't say
25 either of those answers.

CONFIDENTIAL

Page 17

1 Q. Sitting here today, you can't
2 give me an approximation or an average of
3 how long those meetings went?

4 MR. INNES: Asked and
5 answered.

6 THE WITNESS: Yeah, I wouldn't
7 want to guess, but it's safe to say
8 I met multiple times.

9 BY MR. KARP:

10 Q. Was anyone else present at
11 the meetings that you had with counsel to
12 prepare for today's deposition?

13 A. Were there other people
14 present when I met with counsel? There
15 were times where there were -- I was with
16 counsel -- can you ask your question again?

17 Q. In addition to counsel, were
18 any other individuals present at the
19 meetings you had with counsel to prepare
20 for today's deposition?

21 A. There were some meetings.

22 Q. Who were those individuals?

23 A. At those meetings,
24 Ms. Pettiford, let me look at my notes.
25 Mr. Mangan, Mr. Bussacco, Mr. -- Dr. Zahir,

CONFIDENTIAL

Page 18

1 Mr. Amberg, Dr. Adegboyega, Alexis Penn,
2 Ms. Lopez, Dr. Ligons, Ms. Cedillo,
3 Ms. Brown, Ms. Vasquez, Ms. Johnson,
4 Ms. Freeman, Dean Bryant, Dr. Wilson. I
5 think that's it. Ms. Dove, Ms. Johnson.

6 Q. Is this a different
7 Ms. Johnson?

8 A. Yes, uh-huh.

9 Q. What are the first names of
10 the two Ms. Johnsons that you mentioned?

11 A. One Ms. Johnson is an HSSC
12 and, I'm sorry, I don't know her first
13 name. But the teacher, there's a teacher
14 Ms. Johnson, and her first name is Betty.

15 Q. Thank you.

16 A. You're welcome.

17 Q. Did you meet with these --
18 did you meet with each of these people
19 individually or did the meetings with
20 counsel involve a group of people?

21 MR. INNES: Objection to form.

22 THE WITNESS: There were,
23 there were times, groups.

24 BY MR. KARP:

25 Q. Was it important for you to

CONFIDENTIAL

Page 19

1 talk to these individuals in preparing for
2 today's deposition?

3 A. I would say yes.

4 Q. Why did you find it important
5 to meet with these individuals to prepare
6 for today's deposition?

7 A. Because some of the people
8 who I've listed here have been some of the
9 people who have approached me that I've had
10 conversations, because if they have had to
11 deal with disciplinary matters, if they've
12 seen me and they've approached me about
13 social media and its effects on their
14 scholars in class, and because of their
15 capacity, depending on if they are a school
16 counselor or HSSC or any of the --
17 depending on what their roles are for some
18 of these people.

19 Q. You said that you looked at
20 work product to prepare for today's
21 deposition?

22 A. Uh-huh.

23 Q. What do you mean by "work
24 product"?

25 A. Meaning, for example, like,

CONFIDENTIAL

Page 20

1 our financial reports. I looked at data
2 from the schools as far as graduation --
3 graduation rates. Just some -- a few of
4 the things, there's different things that
5 I've looked at. The school handbooks, this
6 is -- these are just examples, it's not
7 necessarily exhaustive of all the things
8 I've looked at.

9 I would have to go through,
10 unless you want me to kind of go through,
11 I'll go through each of these so I can let
12 you know. Just one second. So, for
13 example, we were talking about a district
14 mandate about being diligent -- excuse me,
15 being vigilant in when you hold meetings so
16 that you can make sure that, during this
17 season students were involved in TikTok
18 challenges, and we wanted to make sure that
19 staff was monitoring students' behaviors in
20 various ways and so my assistant supe had
21 sent out an email to building
22 administration and supervisors and
23 directors.

24 Q. And just so the record is
25 clear, this is a document you reviewed and

CONFIDENTIAL

Page 21

1 brought with you today to today's
2 deposition?

3 A. Yes, yes.

4 Q. All of the documents you're
5 going through are documents you brought
6 with you to today's deposition?

7 A. Yes.

8 Q. And that you reviewed in
9 advance of today's deposition --

10 A. Yes.

11 Q. -- to prepare?

12 A. So this is a policy for the
13 use of technology. I brought that.

14 I brought images from some
15 of the TikTok challenges that were held at
16 some of the middle schools and the high
17 school.

18 I brought just an example of
19 a PowerSchool entry. For example,
20 vandalized bathroom within the west wing,
21 TikTok challenge was written and entered.

22 Some of the board agendas
23 for some of the services that we get for,
24 like, example, CarePlus, you may have heard
25 that throughout testimony. Some of the

CONFIDENTIAL

Page 22

1 partnerships for, you know, different
2 mental health consultant services. And
3 that was just the board agenda to get those
4 things approved, originally versus now.

5 Q. What I think may be a good
6 way to cover this is, can we mark this
7 binder as an exhibit to today's deposition
8 as the materials that Dr. Vauss brought
9 with her?

10 MR. INNES: Yeah, absolutely.
11 If Dr. Vauss is done answering your
12 question, but, yeah, we can
13 absolutely mark it.

14 BY MR. KARP:

15 Q. Fair to say you reviewed the
16 materials in this binder and brought them
17 with you today?

18 A. Yes, that's fair.

19 Q. Okay.

20 A. Do you want me to continue to
21 go through them?

22 Q. I think we may go through
23 ourselves --

24 A. Okay.

25 Q. -- later in the deposition,

CONFIDENTIAL

Page 23

1 but I figure we can mark this for now
2 and --

3 A. Okay.

4 Q. -- discuss it?

5 A. Okay. All right. I just
6 spent a lot of time to get this together, I
7 wanted to go through it. Okay. All right.
8 Okay.

9 Q. Thank you.

10 A. All right.

11 Q. So we will mark the binder of
12 materials that Dr. Vauss brought with her
13 to today's deposition as Exhibit 2. And I
14 do not have an electronic copy of this,
15 but --

16 MR. INNES: Nor do I, so we'll
17 work on doing that.

18 MR. KARP: Is there a copy
19 that I can see and look at on a
20 break?

21 MR. INNES: Yeah, I mean, you
22 can look at the binder during a
23 break.

24 MR. KARP: You don't have to
25 pass it to me right now, but --

CONFIDENTIAL

Page 24

1 MR. INNES: I'll actually have
2 you do it on the record.

3 MR. KARP: Is there a copy
4 that is available for me to review?

5 MR. INNES: There is this
6 copy, yeah.

7 MR. KARP: That's the only
8 copy you brought with you today?

9 MR. INNES: This is the only
10 copy, yeah. There's also, we, I
11 mean, for the sake of completeness,
12 Dr. Vauss, is this, I think there's
13 a pile of documents next to you?

14 THE WITNESS: Yes. Yes.

15 MR. KARP: And I can ask the
16 questions to make sure that all of
17 this gets accounted for in the
18 record.

19 So Exhibit 2 will be the
20 binder that Dr. Vauss brought
21 with her to today's deposition.

22 Dr. Vauss, is it accurate
23 that you brought other materials
24 with you to today's deposition?

25 THE WITNESS: Yes.

CONFIDENTIAL

Page 25

1 - - - - -
2 (Binder of Documents marked
3 Vauss Exhibit 2 for
4 identification.)
5 - - - - -

6 BY MR. KARP:

7 Q. And are those also materials
8 that you reviewed in preparation for
9 today's deposition?

10 A. Yes.

11 Q. If we -- if we take the
12 documents in the binder and all of the
13 other documents you brought with you today,
14 is that the full universe of documents that
15 you looked at to prepare for today's
16 deposition?

17 MR. INNES: Objection to form.

18 THE WITNESS: Yes. I would
19 like to go through it just so that
20 I can make sure that when you
21 review it that you see, you know
22 why I put this in here. I think
23 that's kind of important to this
24 process.
25

CONFIDENTIAL

Page 26

1 BY MR. KARP:

2 Q. And, sorry, I think as I ask
3 questions, if there are materials that are
4 pertinent to you that -- and to the answers
5 you're providing --

6 A. Yes, uh-huh.

7 Q. -- you can absolutely direct
8 me to the tabs for the specific documents
9 in your binder as we go.

10 A. Okay.

11 Q. And I appreciate the offer to
12 do that.

13 A. Okay. Okay.

14 Q. So what -- what other
15 materials did you bring with you to today's
16 deposition, meaning outside of the binder?

17 A. Me and my binder. No, I
18 just -- I just, I brought a copy of
19 graduation rates as well, because I believe
20 that was a question that came up.

21 And also one of the things
22 that in preparation, I spoke with our dean,
23 one of our deans at the -- at the high
24 school and I think I mentioned him on
25 the --

CONFIDENTIAL

Page 27

1 Q. Did you say Dean Bryant
2 before?

3 A. Dean Bryant.

4 Q. That was the individual you
5 met with?

6 A. Yes, Dean Bryant about, we
7 have a total of five deans at the high
8 school. He is the most senior of the
9 deans, meaning he's been in the district, I
10 believe, since 2010 and just, you know, I
11 wanted to know how much of his time did he
12 spend with social media when he first came
13 versus now.

14 And he said it probably
15 started around 2015, actually, I think
16 that's his start date, I correct myself, he
17 started around 2015 and he, at that time,
18 spent around 85 percent of his time on
19 dealing with social, things related to
20 social media as far as discipline. And,
21 you know, when he said that and then I
22 asked him, I said, well, how much of your
23 time do you spend now? And he said
24 60 percent of his time, but there are five
25 deans. So the math person that I am, I was

CONFIDENTIAL

Page 28

1 like let me figure out, you know, how much
2 time is that and so I came up with that.
3 So I brought that as well.

4 Q. So you took notes during your
5 conversation with Dean Bryant?

6 A. Well, I listened to what he
7 said about the amount of time that he spent
8 and so I did take the note of him spending
9 85 percent of his time and I said, wow,
10 okay, so how much do you spend now? And he
11 said around 60 percent. And I said, you
12 spend 60 percent of your time and you have
13 five people now, five other -- or a total
14 of five, so four other people, and he said
15 that is correct. And I said that seems
16 like still an awful lot amount of time, and
17 so I left it there, because, I just my math
18 brain was -- just started to go and so I
19 spoke with Dr. A and I said, and I gave him
20 the specs and we sat down and figured out,
21 like, what would that be, how much time
22 would that be, if someone spent 85 percent
23 for this one set of time versus, you know,
24 let's say if he spent between 2015 to 2020,
25 85 percent of his time when it was only

CONFIDENTIAL

Page 29

1 him. And then for the last four years,
2 there has been five, and he still spends
3 60 percent.

4 Q. Thank you. And I appreciate
5 all of that information. My question was
6 just simply if you had taken notes during
7 the conversation.

8 So fair to say you took
9 notes from your conversation, based on your
10 conversation with Dean Bryant, maybe some
11 of the other deans, and you brought those
12 notes with you to today's deposition?

13 A. I didn't meet with any of the
14 other deans.

15 Q. Oh, okay. In addition to the
16 graduation rates, the notes that you were
17 just discussing and the contents of the
18 binder, did you bring anything else with
19 you to today's deposition?

20 A. Oh, no, I'm sorry, no, I did
21 not.

22 MR. INNES: Just so the record
23 is clear, I do think there is --
24 did you bring that or is that from
25 the reporter?

CONFIDENTIAL

Page 30

1 THE WITNESS: Oh, no, this is
2 the court reporter.

3 MR. INNES: That stack there.

4 THE WITNESS: This right here?

5 MR. INNES: Yeah.

6 THE WITNESS: This is mine,
7 yes, this is mine.

8 MR. INNES: So we should
9 probably --

10 THE WITNESS: Yes.

11 MR. KARP: So you brought
12 something else?

13 THE WITNESS: I mentioned this
14 first.

15 MR. INNES: We did, I'm sorry.

16 THE WITNESS: Yeah, I did
17 mention this.

18 BY MR. KARP:

19 Q. I'm sorry, I missed that.
20 What was that?

21 A. This is the Comprehensive
22 Financial Annual Report. I think I
23 mentioned this first before I went to my
24 binder.

25 Q. Is there a year on that?

CONFIDENTIAL

Page 31

1 A. I brought 2016 through 2023.

2 Q. And did you review all of
3 those in preparation for today's
4 deposition?

5 A. Yes, I would say I reviewed
6 them again, but this is something that I
7 have to look at every year even though I
8 don't create it, but as you know, we have
9 to do it, yes.

10 Q. I understand. We will mark
11 the graduation rates as Exhibit 3.

12 - - - - -

13 (Graduation Rates marked
14 Vauss Exhibit 3 for
15 identification.)

16 - - - - -

17 MR. INNES: We will mark
18 Dr. Vauss's notes relating to her
19 conversations with dean --
20 conversation with Dean Bryant as
21 Exhibit 4.

22 - - - - -

23 (Notes from conversation
24 with Dean Bryant marked Vauss
25 Exhibit 4 for identification.)

CONFIDENTIAL

Page 32

1 - - - - -

2 MR. KARP: And we will mark
3 collectively the Comprehensive
4 Annual Financial Reports from 2016
5 through 2023 as Exhibit 5. And I
6 will ask that counsel for the
7 district provide electronic copies
8 to the court reporter to the extent
9 that we do not have those, you
10 know, available to us right now at
11 this deposition.

12 - - - - -

13 (Comprehensive Annual
14 Financial Reports from 2016
15 through 2023 marked Vauss Exhibit
16 5 for identification.)

17 - - - - -

18 BY MR. KARP:

19 Q. If we account for Exhibit 2
20 being the binder, the graduation rates,
21 Exhibit 3, the notes, Exhibit 4, and the
22 financial reports that you were just
23 discussing, Exhibit 5, is that the full
24 universe of documents that you reviewed in
25 preparation for today's deposition?

CONFIDENTIAL

Page 33

1 A. Yes.

2 Q. Okay. Thank you. Did you
3 take it upon yourself to pull these
4 documents and review them?

5 A. Yes.

6 Q. You had them in your
7 possession already, the documents that you
8 looked at to prepare for today's deposition
9 were already in your files?

10 MR. INNES: Okay. I guess my
11 objection is vague, and I'll just
12 explain it. When you refer to your
13 files, are we talking about
14 Dr. Vauss or are we talking about
15 the district?

16 BY MR. KARP:

17 Q. That's fair. Dr. Vauss, the
18 materials that you reviewed to prepare for
19 today's deposition, were they already in
20 your files, meaning Dr. Vauss's files?

21 A. Yes, yes.

22 Q. Did anyone assemble the
23 documents for you to review?

24 A. Did anyone assemble them?
25 You mean put them in the binder for me?

CONFIDENTIAL

Page 34

1 Q. Did anyone --

2 A. I gathered the documents.

3 Q. Did anyone organize the
4 documents for you for your review?

5 A. No, I -- my secretaries put
6 the binder together, but I chose the
7 documents that were going in, if that's
8 what I believe you're asking me.

9 Q. Thank you.

10 A. You're welcome.

11 Q. Other than the notes that
12 we've already talked about and marked as
13 Exhibit 4, did you take any notes in
14 preparation for today's deposition?

15 A. No.

16 Q. Dr. Vauss, was Irvington
17 Public School District approached by any
18 law firms that tried to make them aware of
19 litigation against social media companies?

20 A. Can you explain what you mean
21 by, "approach"?

22 Q. Was the district -- did the
23 district receive any emails from law firms
24 or other written communications from law
25 firms providing them information about

CONFIDENTIAL

Page 35

1 ongoing litigation that school districts
2 were having against social media companies?

3 A. I believe counsel produced
4 something that was sent to an email, but as
5 I stated then, I am not aware of that law
6 firm or even -- I wasn't even aware of that
7 email.

8 Q. And as a reminder today,
9 you're here testifying on behalf of the
10 district --

11 A. Yes.

12 Q. -- so my question is a little
13 bit different --

14 A. Okay.

15 Q. -- and not specific to what
16 Dr. Vauss --

17 A. Okay.

18 Q. -- personally --

19 A. Okay. I understand.

20 Q. -- thought and knows. Is the
21 district aware of emails or other written
22 communications it received informing them
23 of ongoing litigation that school districts
24 around the country were engaged in with
25 social media companies?

CONFIDENTIAL

Page 36

1 A. To my knowledge, I don't
2 believe that the district is aware of
3 other, you know, law firms that are suing
4 social media platforms, not to my
5 knowledge.

6 Q. Did Irvington Public Schools
7 discuss the decision to file this lawsuit
8 at any Board of Education meetings?

9 A. No.

10 Q. Does that include closed
11 sessions?

12 A. I believe --

13 MR. INNES: Objection to form.
14 To the extent that counsel was
15 present at a closed session, I
16 direct you not to answer that
17 question.

18 THE WITNESS: Okay. I can't
19 answer that. I believe -- no.
20 Well, counsel was present, but also
21 those sessions are attorney-client
22 privileged.

23 BY MR. KARP:

24 Q. Is a closed session -- strike
25 that.

CONFIDENTIAL

Page 37

1 I asked before about Board
2 of Education meetings.

3 A. Uh-huh.

4 Q. A closed session meeting of
5 the Board of Education is still a meeting
6 of the Board of Education, correct?

7 A. Yes.

8 Q. It's just there's a
9 different -- the discussions that are had
10 during the closed session are not public;
11 is that correct?

12 A. They're not public, but
13 they're also attorney-client privileged
14 until such time as it's deemed privilege is
15 no longer necessary and I'm not aware that
16 that is the case.

17 Q. All closed session meetings
18 of the Board of Education are privileged?

19 A. Yes.

20 Q. Every closed session meeting.
21 Board of Education involves either seeking
22 or receiving legal advice?

23 MR. INNES: Objection to form.
24 Calls for speculation. To the
25 extent you understand the question,

CONFIDENTIAL

Page 38

1 you can answer.

2 THE WITNESS: Can you ask your
3 question again?

4 BY MR. KARP:

5 Q. Sure. My question was every
6 closed session meeting of the Board of
7 Education for Irvington Public Schools
8 involves either seeking or receiving legal
9 advice?

10 MR. INNES: Same objection.

11 THE WITNESS: Yeah, I would
12 say I can't answer that, because I
13 think that gets into an area where
14 it's not my expertise to make that
15 determination.

16 BY MR. KARP:

17 Q. Are there lawyers present at
18 every closed session meeting of the Board
19 of Education for Irvington Public Schools?

20 A. Yes.

21 Q. And do those lawyers always
22 speak or contribute to the conversation?

23 A. Yes.

24 Q. When did Irvington Public
25 Schools first determine that social

CONFIDENTIAL

Page 39

1 media -- that Defendants' social media
2 platforms were harming the district?

3 MR. INNES: Objection to form.

4 THE WITNESS: I believe that
5 it is -- it's -- it was a continuum
6 of things. When you say, when did
7 we make that determination and my
8 role is speaking for the entire
9 district, I think the timetable,
10 it's scattered. It's different
11 points at which people probably
12 within the district, if it's the
13 entire entity, that people had that
14 feeling that it was harming the
15 scholars.

16 BY MR. KARP:

17 Q. When did the district first
18 decide to file this lawsuit?

19 MR. INNES: Objection to form.

20 To the extent that that reveals
21 conversations with counsel, you
22 don't have to answer, but if you
23 can do so without referencing the
24 content of communications with
25 counsel, you can answer.

CONFIDENTIAL

Page 40

1 THE WITNESS: Well, any time
2 I'm given that, I'm going to say I
3 won't answer.

4 BY MR. KARP:

5 Q. You're going to follow your
6 counsel's instruction?

7 A. I'm going to follow my
8 counsel.

9 Q. I'm simply asking for a date,
10 not the contents of any communications, to
11 be clear.

12 I'll ask again and feel free
13 to give the same instruction if you deem
14 that appropriate. When did the district
15 first decide to file this lawsuit?

16 MR. INNES: You can answer
17 that question, if you know.

18 THE WITNESS: I'm not sure of
19 the exact date, of the exact date.

20 BY MR. KARP:

21 Q. The district is not sure of
22 that exact date?

23 A. The district is not sure of
24 the exact date.

25 Q. What percentage of time do

CONFIDENTIAL

Page 41

1 IPS students spend on their cell phones?

2 MR. INNES: Objection to form.

3 THE WITNESS: I would say
4 that -- well, let me get some
5 clarity on your question, if you
6 will. When you say how much time
7 does our -- do IPS students spend
8 on their cell phones, do you mean
9 while in school or do you mean in
10 general?

11 BY MR. KARP:

12 Q. I mean in general.

13 A. I don't know.

14 Q. And just to make sure we're
15 being clear here, when you say, "I don't
16 know," you mean the district does not know?

17 A. Yes. So I'll start answering
18 the district. The district would not know
19 the entire amount of time that the scholars
20 are on their phone, but from the
21 conversations that I've had, that the
22 district has had with staff, I would say
23 that they spend anywhere from 12 to 20-some
24 hours on the phone, not, obviously, that's
25 not relegated only to the time that they're

CONFIDENTIAL

Page 42

1 in school, but for the 24-hour span, if
2 we're talking about a 24-hour span, then
3 the district would, from conversations with
4 staff, make the determination that they
5 spend the majority of their day on cell
6 phones.

7 Q. The district's position is
8 that Irvington Public School students spend
9 between 12 and 20 hours on their cell
10 phones daily?

11 A. I think that that would be a
12 safe number.

13 Q. And what is the district
14 basing that on?

15 A. The staff --

16 MR. INNES: Asked and
17 answered.

18 THE WITNESS: I'm sorry, the
19 information provided to the
20 district by the staff, by
21 administration, by teachers, by the
22 staff.

23 BY MR. KARP:

24 Q. And what information is the
25 staff providing?

CONFIDENTIAL

Page 43

1 A. They're saying that when they
2 speak to or when they're in class with
3 students, they are on their phones on
4 platforms nonstop. They have to constantly
5 tell students to get off of their phones.
6 When they come in, they're on their phones.

7 When, for example, the
8 attendance committee people meet with
9 scholars about their attendance, for
10 example, I remember Ms. Vasquez said that
11 she's asking them, why are you tardy, why
12 aren't you coming to school, they're, like,
13 I couldn't get up. I didn't sleep. Well,
14 what were you doing as to why you didn't
15 sleep, you know, or, you know, something
16 like that. And it's because I was on my
17 phone.

18 Q. Staff are reporting their
19 observations; is that right?

20 A. Yes, thank you.

21 Q. And have staff ever attempted
22 to quantify how much time students are
23 spending on their cell phones?

24 MR. INNES: Objection to form.

25 THE WITNESS: When you say,

CONFIDENTIAL

Page 44

1 have they -- have they tried to
2 quantify it, I don't -- I think if
3 maybe if they ask, but I think they
4 use verbiage, like they're on all
5 the time and I don't think that
6 really necessary quantifies it.

7 BY MR. KARP:

8 Q. You said, "if asked," does
9 that mean that the district has not asked?

10 A. I think when someone says
11 someone is on their phone all the time,
12 then the question lends itself to, well,
13 how often are they on and they're on their
14 phone all the time in class.

15 Q. Do you have any data to
16 support the numbers 12 to 24 -- excuse me,
17 12 to 20 hours per day?

18 A. No, no study, no data from a
19 study or anything.

20 Q. No numbers, no statistics?

21 A. No.

22 Q. Just making sure we're on the
23 same page.

24 A. Yes. Yes.

25 Q. And the answer is no, you

CONFIDENTIAL

Page 45

1 don't, the district doesn't have that?

2 A. Uh-uh.

3 Q. Does the district have the
4 ability to track how much time students
5 spend on their cell phones outside of
6 school?

7 A. Do we have a means to track
8 that? Not a means to track how long
9 they're on their cell phones, no.

10 Q. Outside of school?

11 A. Outside of school.

12 Q. And the district doesn't do
13 that?

14 A. No.

15 Q. When does the IPS school day
16 start?

17 A. It starts at 8:25 for
18 teaching staff at the middle school.
19 8:06 for the high school.

20 Q. And is that also the same for
21 students?

22 A. No, students start at 8:16 at
23 the high school and 8:30 at the middle
24 school.

25 Q. And when do high school

CONFIDENTIAL

Page 46

1 students end their day, end their school
2 day?

3 A. 2:55, the students, 2:55.

4 Q. So before 8:16 and after
5 2:55, does Irvington Public Schools have a
6 way of knowing how much time their students
7 are spending on their cell phones?

8 A. No, other than the
9 conversations that they have with the
10 scholars, which just lends themselves to
11 asking them, you know, questions about, you
12 know, why, why aren't you -- why don't you
13 come -- if you don't come to school on
14 time, why aren't you here? Why are you
15 always on your phone? Why -- you know, are
16 you on your phones like this at, you know,
17 at home, but not a quantifiable number.

18 Q. Rounding a little bit here,
19 Irvington Public School students at the
20 high school are roughly in school from
21 8:00 to 3:00?

22 A. At the high school, yes, I
23 guess you can round it to that, yes,
24 uh-huh.

25 Q. You're a math teacher, so

CONFIDENTIAL

Page 47

1 please keep me honest, but that's about a
2 seven-hour window?

3 A. Uh-huh.

4 Q. That means there are 17 other
5 hours in the day that Irvington Public
6 Schools does not track students' cell phone
7 usage; is that right?

8 MR. INNES: Objection to form.
9 Misstates prior testimony.

10 THE WITNESS: Can you ask your
11 question again?

12 BY MR. KARP:

13 Q. For the other 17 hours in the
14 day when Irvington High School students are
15 not in school, the school, Irvington Public
16 Schools is not tracking how much time
17 they're spending on their cell phones; is
18 that right?

19 A. Yes.

20 Q. When Irvington Public School
21 students are at school, are they permitted
22 to have their cell phones out?

23 A. Yes.

24 Q. At what times?

25 A. Oh, before class starts and

CONFIDENTIAL

Page 48

1 during lunchtime.

2 Q. After class as well or no?

3 MR. INNES: Objection to form.

4 THE WITNESS: When you say,
5 "after class," you mean in the
6 hallways or --

7 BY MR. KARP:

8 Q. Once, once class, once the
9 school day is concluded.

10 A. Oh, yes, after the school day
11 is concluded.

12 Q. After school, thank you.

13 A. If they're not involved in
14 any after-school activities.

15 Q. Students at Irvington Public
16 Schools are not permitted to have their
17 cell phones out during class, correct?

18 A. Yes.

19 Q. They're supposed to be in
20 their bags or concealed in some way?

21 A. Yes.

22 MR. INNES: Objection to form.

23 THE WITNESS: One thing I made
24 mention of before was the exception
25 if they use it for a calculator and

CONFIDENTIAL

Page 49

1 that was probably some years back.

2 BY MR. KARP:

3 Q. Why are Irvington Public
4 Schools -- excuse me -- why do Irvington
5 Public Schools have the ability -- strike
6 that, bad question.

7 You said that Irvington
8 Public School students can use their cell
9 phones during their lunch periods?

10 A. Yes.

11 Q. Why?

12 A. That's their break.

13 Q. Could Irvington Public
14 Schools tell their students not to use
15 their cell phones during lunch?

16 A. Could they, I imagine, yes,
17 uh-huh.

18 Q. But that's not something that
19 the district has done, correct?

20 A. No.

21 Q. They haven't done that at all
22 in the last ten years?

23 MR. INNES: Objection to form.

24 THE WITNESS: No, we haven't.

25 We've -- we have not.

CONFIDENTIAL

Page 50

1 BY MR. KARP:

2 Q. Does every student at
3 Irvington Public Schools have a cell phone?

4 MR. INNES: Objection to form.

5 THE WITNESS: I don't know.

6 BY MR. KARP:

7 Q. Do you know -- you know, does
8 the district know what social media
9 accounts different students have?

10 MR. INNES: Objection to form.

11 THE WITNESS: So can you --
12 can you clarify when you say, do we
13 know what social media, like, well,
14 I'll just have you clarify.

15 BY MR. KARP:

16 Q. Sure. Why don't I back up a
17 little bit. Does Irvington Public Schools
18 know one way or the other whether every
19 student at Irvington Public Schools has
20 social media?

21 MR. INNES: Objection to form.

22 THE WITNESS: No.

23 BY MR. KARP:

24 Q. Does Irvington Public
25 Schools -- to the extent that students at

CONFIDENTIAL

Page 51

1 Irvington Public Schools do have social
2 media, does the district know specifically
3 which platforms those students use?

4 A. So can you ask your question
5 again?

6 Q. Sure. Does the district --
7 does Irvington Public Schools know how many
8 of its students have Facebook accounts?

9 A. No.

10 Q. Does Irvington Public Schools
11 know how many of its students have
12 Instagram accounts?

13 A. No.

14 Q. Does Irvington Public Schools
15 know how many of its students have SnapChat
16 accounts?

17 A. No.

18 Q. Does Irvington Public Schools
19 know how many of its students have TikTok
20 accounts?

21 A. No.

22 Q. Does Irvington Public Schools
23 know how many of its students have YouTube
24 accounts?

25 A. No.

CONFIDENTIAL

Page 52

1 Q. You gave the number or the
2 range 12 to 20 hours before to approximate
3 how much time Irvington Public School
4 students spend on their cell phones each
5 day --

6 A. Uh-huh.

7 Q. -- is that right?

8 A. Yes.

9 Q. How much of that time is
10 spent on social media specifically?

11 A. For the 12 to 20 hours?

12 Q. For the 12 to 20 hours that
13 the district believes students are on their
14 phones.

15 A. I couldn't give an exact
16 amount, but I would say the majority of
17 that time.

18 Q. Okay. What's your basis for
19 that?

20 A. Because when -- the staff
21 members I've spoken to and they complain
22 about the students being on social media
23 nonstop, they use their cell phones most of
24 the time to access social media and it's
25 rarely, if ever, are they on the phone

CONFIDENTIAL

Page 53

1 talking, or maybe they talk to their
2 parents, but most of the time, what has
3 been observed is that they have been on
4 social media platforms and that is the
5 main -- that's the bulk of that time is
6 where it's being spent.

7 Q. Does Irvington Public Schools
8 know how much time their students spend
9 playing video games on their cell phones?

10 A. I don't know.

11 Q. Does Irvington Public Schools
12 know how much time students -- their
13 students spend texting on their cell
14 phones?

15 A. I don't know. I do know, I,
16 you know, I do know that they don't text
17 singularly in a way that, for example,
18 although I'm speaking for Irvington Public
19 Schools, they don't text the same way that
20 Dr. Vauss may text, which is the normal, I
21 guess, antiquated way, but they text
22 through some of the social media platforms,
23 that's their way of texting. DMing, going
24 on and, you know, making comments and
25 having conversations through those

CONFIDENTIAL

Page 54

1 platforms is something that I did learn
2 that I wasn't aware of.

3 Q. Do Irvington Public Schools
4 use other -- other applications such as
5 WhatsApp to communicate?

6 MR. INNES: Objection to form.

7 THE WITNESS: Does Irvington
8 Public Schools, yes, I mean, as our
9 organization or do some of our
10 staff members?

11 BY MR. KARP:

12 Q. And I left out a word from my
13 question, I apologize.

14 A. Okay.

15 Q. Do Irvington Public School
16 students use WhatsApp to communicate?

17 A. That, I don't know.

18 Q. Do Irvington Public Schools
19 use Signal as a means of communication?

20 A. I don't know what Signal is.

21 Q. Is the district aware of any
22 other messaging platforms other than those
23 that they've sued in this case that
24 students use to communicate?

25 A. No.

CONFIDENTIAL

Page 55

1 Q. You said earlier that the
2 district's belief is that Irvington Public
3 School students spend the majority of their
4 12 to 20 hours that they're spending on
5 cell phones on social media. Did I hear
6 you correctly?

7 A. Yes.

8 Q. Okay. And is that -- does
9 the district know one way or the other
10 whether that is limited to Defendants'
11 social media platforms?

12 A. I would say no.

13 Q. Do Irvington Public School
14 students have Twitter accounts --

15 MR. INNES: Objection to form.

16 MR. KARP: -- or X accounts?

17 THE WITNESS: I don't know. I
18 don't know.

19 BY MR. KARP:

20 Q. The district does know that
21 they have Defendants' platforms?

22 A. I know that the staff members
23 I've spoken to have mentioned the
24 Defendants' platforms. To the extent that
25 that time period is used for other things,

CONFIDENTIAL

Page 56

1 other platforms rather, I'm not aware.

2 Q. Are you familiar with Roblox?

3 A. What is it called?

4 Q. Is the district familiar with
5 Roblox?

6 A. Is that R-O-B-L-O-X?

7 Q. Yes.

8 A. The district, Dr. Vauss, the
9 district, I can say I am, I don't know to
10 the extent how it fits within the district.
11 I can't say yes for the district.

12 Q. Does the district know how
13 much time its students spend using Roblox?

14 A. No, I have no idea.

15 Q. Other than observations and
16 reports that have been given by staff, does
17 the district have any other information to
18 know what students are doing on their cell
19 phones?

20 A. Other than what the staff has
21 shared with us that has been around them,
22 no, not anything other than that.

23 Q. That is what the district is
24 relying on to say that students spend
25 between 12 to 20 hours on their cell phones

CONFIDENTIAL

Page 57

1 each day and the majority of that time is
2 spent on social media?

3 A. So, my staff, they are with
4 the scholars for that seven-hour block that
5 you outlined. They speak to them. They
6 speak to them sometimes when they -- the
7 scholars won't speak to their parents.
8 They have conversations with the scholars,
9 because like myself, their interest is for
10 the students to achieve. So the students
11 have formed and built relationships with
12 these staff members and they are pretty
13 much an open book with them in regards to
14 this. I don't believe that the scholars
15 would make that up about the amount of time
16 that they're spending, because it doesn't
17 necessarily show them in the best of light.
18 They're trying to find, you know, causes
19 and solutions to their absenteeism or their
20 tardiness.

21 Q. Have scholars told you,
22 Dr. Vauss, that they are using their cell
23 phones 12 to 20 hours per day?

24 A. No.

25 Q. Have scholars told the

CONFIDENTIAL

Page 58

1 district that they use their cell phones 12
2 to 20 hours per day?

3 MR. INNES: Objection to form.

4 THE WITNESS: So inasmuch as
5 when you say, "the district," you
6 mean everything and everyone within
7 the district, as you stated
8 earlier, then I would say -- I
9 would say they didn't say I spent
10 12 to 20 hours on my cell phone a
11 day. I think that that -- and
12 maybe I misunderstood your earlier
13 question, but you wanted me to come
14 up with an approximation and so
15 when you say I come to school and
16 basically even if I'm, you know,
17 I'm sneaking, I'm on my phone
18 for -- in every one of my classes
19 all day, even at lunchtime. Then I
20 go to my sports and I find some way
21 or whatever club I'm in to be on my
22 phone. Then I go home, and instead
23 of doing my homework, I don't do my
24 homework, because I'm on my phone
25 on a platform, messing around, you

CONFIDENTIAL

Page 59

1 know, making a TikTok video or, you
2 know, or continuing, putting some
3 information about a fight that may
4 have been posted. And then I go,
5 continue to be online when it's
6 time for me to go to bed. Maybe my
7 parents think I'm in my room and
8 I'm asleep, but I'm on my phone and
9 I fall asleep with the phone in my
10 hand. And then I just kind of wake
11 up whenever I wake up and then I'm
12 tardy and then the cycle begins all
13 over again.

14 So that's where I got that
15 12 to 20 hours. So no one said I
16 spend 12 to 20 hours on my cell
17 phone a day, to my knowledge,
18 none of the students said that.

19 BY MR. KARP:

20 Q. And this is every student at
21 Irvington Public Schools?

22 A. No.

23 Q. And the district is making or
24 reaching conclusions about the number of
25 hours purely based on reports from scholars

CONFIDENTIAL

Page 60

1 of -- strike that.

2 How often do these
3 conversations with scholars happen --

4 MR. INNES: Objection to form.

5 THE WITNESS: I would say --

6 BY MR. KARP:

7 Q. -- that ones that you
8 described?

9 A. I would say as often as a
10 child or children come in tardy. As often
11 as, you know, there may be some problems
12 with absences that, you know, that they may
13 be having those conversations. As often as
14 a teacher has to stop instruction and, you
15 know, stop teaching to try to get the
16 attention of the scholars back on what's
17 happening. And I could go on and on. As
18 often as, you know, someone is videotaping
19 something as opposed to being engaged with
20 what's going on in the school.

21 Q. Putting aside whether that
22 video ends up on social media, videotaping
23 at school is prohibited by IPS policy,
24 correct.

25 A. Yes. When you say,

CONFIDENTIAL

Page 61

1 "videotaping," making a video?

2 Q. There's a policy --

3 A. Yeah, we have --

4 Q. -- in the Irvington Public
5 Schools handbook that prohibits students
6 from taking videos on their cell phones; is
7 that right?

8 A. There isn't a policy that
9 says that, but we have a policy that talks
10 about video imagery of students. So if I'm
11 taking a video image, even though I may be
12 a student, if I'm taking an image of a
13 child and I don't have a signed permission
14 slip from the parent that said it was okay,
15 then, yes, that scholar is in violation of
16 that policy as well.

17 Q. Does Irvington Public Schools
18 know how many text messages Irvington
19 public school students -- excuse me, strike
20 that.

21 Does the district know how
22 many text messages an Irvington Public
23 School student sends each day?

24 MR. INNES: Objection to form.
25 Outside the scope.

CONFIDENTIAL

Page 62

1 THE WITNESS: No.

2 BY MR. KARP:

3 Q. Does IPS know how many of its
4 students play video games on their cell
5 phones?

6 MR. INNES: Objection.

7 Outside the scope.

8 THE WITNESS: No.

9 BY MR. KARP:

10 Q. Does IPS know whether
11 students -- or strike that. Does IPS know
12 how many of their students have parental
13 controls enabled on their cell phones?

14 A. No.

15 Q. Does IPS -- to the extent
16 that IPS students use social media, does
17 the district know how many of those
18 students have some parental controls or
19 restrictions set on their social media
20 accounts?

21 MR. INNES: Objection.

22 Outside the scope. Can you just as
23 a parliamentary matter, what topic
24 are you we on now?

25 MR. KARP: This is use and

CONFIDENTIAL

Page 63

1 impact, one and eight.

2 MR. INNES: Okay.

3 I just want to make sure my
4 scope objections are right. I
5 don't want to step on your toes.

6 MR. KARP: Topic one is about
7 their use of cell phones and
8 electronic devices.

9 MR. INNES: I'll allow you a
10 little leeway, but it doesn't talk
11 about text messages, right, it just
12 talks about cell phones.

13 MR. KARP: Which is a way -- I
14 hear you. Thank you, Michael.

15 MR. INNES: And eight, and
16 just if -- you guys know the notice
17 better than I do, I'm hearing
18 questions about video games. I'm
19 not sure that fits into any of the
20 topics or notice.

21 MR. KARP: Thank you. Your
22 objections are noted.

23 Dr. Vauss, my question was
24 whether the district knows, to
25 the extent that their students

CONFIDENTIAL

Page 64

1 use social media, how many of
2 those students have parental
3 controls or some restrictions on
4 their social media accounts?

5 THE WITNESS: No.

6 MR. INNES: Objection.

7 Outside the scope.

8 THE WITNESS: No.

9 BY MR. KARP:

10 Q. Does Irvington Public Schools
11 know whether their students have disabled
12 any features on their social media
13 accounts?

14 MR. INNES: Objection to
15 scope.

16 THE WITNESS: No.

17 BY MR. KARP:

18 Q. Is it the district aware that
19 it's possible to disable comments and likes
20 and other features on social media
21 platforms?

22 MR. INNES: Objection to
23 scope.

24 THE WITNESS: No.

25

CONFIDENTIAL

Page 65

1 BY MR. KARP:

2 Q. That's not something the
3 district is aware of?

4 A. That -- if we talk -- can you
5 ask your question again?

6 Q. It's okay, no problem. Is
7 the district aware that on some social
8 media platforms you can -- a user can
9 disable comments and likes?

10 MR. INNES: Objection to
11 scope.

12 THE WITNESS: Yes.

13 BY MR. KARP:

14 Q. And is the district aware one
15 way or another of how many of its students
16 have disabled those features?

17 A. No.

18 MR. INNES: Objection to
19 scope.

20 THE WITNESS: No, sorry.

21 BY MR. KARP:

22 Q. Has IPS ever attempted to
23 study the prevalence of social media use by
24 its students?

25 MR. INNES: Objection to form.

CONFIDENTIAL

Page 66

1 THE WITNESS: No.

2 BY MR. KARP:

3 Q. It has not conducted a study
4 or anything along those lines?

5 A. No.

6 MR. INNES: Objection to form.

7 THE WITNESS: Oh.

8 MR. KARP: You can answer.

9 THE WITNESS: No.

10 BY MR. KARP:

11 Q. Thank you. Does IPS have any
12 data on how many of its students use social
13 media platforms other than Defendants'
14 platforms?

15 A. No.

16 Q. Is the district aware of any
17 study or analysis done on the impacts of
18 social media on the mental health of IPS
19 students?

20 A. No.

21 Q. Is the district aware of any
22 study or analysis that has been performed
23 on the impacts of social media on the
24 academic outcomes of IPS students?

25 A. No.

CONFIDENTIAL

Page 67

1 MR. INNES: Objection to form.

2 BY MR. KARP:

3 Q. Is the district aware of any
4 study or analysis that has been performed
5 on the impacts of social media on IPS
6 student graduation rates?

7 A. No.

8 Q. Is the district aware of any
9 study or analysis that has been performed
10 on the impact of social media on IPS
11 student suspension rates?

12 MR. INNES: Objection to form.
13 Outside the scope.

14 THE WITNESS: No.

15 BY MR. KARP:

16 Q. Has the district studied or
17 analyzed trends over time in the usage of
18 social media?

19 MR. INNES: Objection to form.
20 Outside the scope.

21 THE WITNESS: No.

22 BY MR. KARP:

23 Q. Dr. Vauss, you testified as
24 the district that IPS staff spend some part
25 of their time addressing issues relating to

CONFIDENTIAL

Page 68

1 the impact of social media on their
2 students; is that right?

3 MR. INNES: Objection to form.

4 THE WITNESS: Yes.

5 MR. INNES: Misstates prior
6 testimony.

7 BY MR. KARP:

8 Q. I'll rephrase that.
9 Dr. Vauss, as the district, you testified
10 that IPS staff spend some portion of their
11 time addressing issues relating to social
12 media --

13 MR. INNES: Same objection.

14 MR. KARP: -- is that correct?

15 THE WITNESS: Yes, uh-huh,
16 yes.

17 BY MR. KARP:

18 Q. Approximately how much of
19 that time involves addressing posts that
20 IPS students make on social media -- on
21 Defendants' social media platforms?

22 MR. INNES: Objection to form,
23 vague.

24 THE WITNESS: Can you -- can
25 you rephrase or explain?

CONFIDENTIAL

Page 69

1 BY MR. KARP:

2 Q. Sure. The district is aware
3 there are many ways to use social media
4 platforms, right?

5 A. Yes.

6 Q. One thing that an IPS student
7 could do on a social media account is to
8 post a comment, a photograph, a video,
9 something like that, right?

10 A. Yes.

11 Q. How much time does the
12 district spend addressing social media
13 related issues that specifically involve
14 posts that its students are making?

15 MR. INNES: Objection to form.

16 THE WITNESS: So the actual
17 post, it spills out into other
18 areas and I would say as a
19 district, probably spend, if we,
20 you mean as an entire entity, I
21 would average anywhere, like, to
22 85 percent of the time is being
23 spent with social media-related
24 issues. As far as the posts
25 themselves, I couldn't speak to

CONFIDENTIAL

Page 70

1 just the posts. I would have to
2 speak to the posts, the liking, the
3 sharing, and the result of that
4 usage. If I can ask for a pause, I
5 need to adjust my contacts.

6 MR. KARP: Of course.

7 THE WITNESS: I'm sorry. I'm
8 struggling here.

9 MR. KARP: Not a problem.

10 THE WITNESS: I'm just going
11 to put my glasses on.

12 MR. KARP: Absolutely. No
13 problem.

14 THE VIDEOGRAPHER: The time
15 right now is 10:13 a.m. We're off
16 the record.

17 - - - - -

18 (A recess was taken at this time.)

19 - - - - -

20 THE VIDEOGRAPHER: The time
21 right now is 10:24 p.m. -- I'm
22 sorry, a.m. We're back on the
23 record.

24 MR. KARP: Thank goodness it's
25 not p.m.

CONFIDENTIAL

Page 71

1 THE VIDEOGRAPHER: Right.

2 BY MR. KARP:

3 Q. Welcome back, Dr. Vauss.

4 A. Thank you.

5 Q. We took a brief break so you
6 could change into your glasses.

7 A. Yes.

8 Q. They look great.

9 A. Oh, thank you.

10 Q. On the break, you have a
11 chance -- did you meet with your counsel at
12 all?

13 A. I saw my counsel, yes.

14 Q. Okay. And did you speak with
15 him?

16 A. Yes, I did.

17 Q. Before the break, we were
18 talking about percentages of time that
19 people at IPS are spending on different
20 activities, fair?

21 A. Yes.

22 Q. Okay. I was asking about how
23 much time was spent addressing posts and
24 you were giving me an explanation of
25 what -- what you knew to be the case for

CONFIDENTIAL

Page 72

1 IPS.

2 A. Yes.

3 Q. Okay. And I believe you
4 mentioned, and please correct me if I'm
5 wrong, that often what IPS staff are
6 addressing is posts that end up getting
7 likes and comments and then that might turn
8 into a fight or some in-person incident; is
9 that fair?

10 A. Yes.

11 Q. Okay. How much time does IPS
12 staff spend or what percentage of IPS time
13 is spent dealing with that type of issue
14 relating to social media?

15 MR. INNES: Objection to form.

16 THE WITNESS: So we made a
17 declaration and it has a breakdown
18 of the amount of time that's being
19 spent, I guess some of it speak to
20 maybe things being posted.

21 Obviously, the outcomes, so, for
22 example, I'm just looking at, for
23 example, 80 percent, I would say
24 about 80 percent of the assistant
25 principal's time is being spent

CONFIDENTIAL

Page 73

1 dealing with what I described. I
2 would say the same for principals.
3 Our school resource officers, they
4 spend 100 percent of their time
5 dealing with their issues.
6 Something like security would spend
7 about 30 percent. I can go do the
8 whole --

9 BY MR. KARP:

10 Q. And I appreciate that. What
11 document are you looking at right now that
12 you have in front of you?

13 A. A declaration that we
14 provided of a breakdown of the amount of
15 time --

16 Q. And if you look at the front
17 of that document?

18 A. -- and resources, our
19 resources.

20 Q. Didn't mean to cut you off.

21 A. I'm sorry, our resources that
22 we attribute to spending on social
23 media-related issues.

24 Q. And if you look at the front
25 of that document, are those interrogatory

CONFIDENTIAL

Page 74

1 responses?

2 A. No, I don't --

3 Q. It would be in the title --

4 A. Oh, yes, it is. It is.

5 Q. Okay. I want to make sure
6 I'm understanding -- and we'll eventually
7 mark a copy of this document. But I just
8 want to make -- before I do, I want to make
9 sure I'm understanding your testimony.

10 A. Yes.

11 Q. So you were just referring
12 to, I believe, it's Exhibit A to those
13 interrogatory responses that has a
14 breakdown of people's salaries?

15 A. Yes, yes.

16 Q. And the percentage --

17 A. -- yes, of time.

18 Q. And my question to you was --
19 well, strike that.

20 For clarity, let's just mark
21 the document now and then I can ask you
22 some questions.

23 MR. INNES: So I think this
24 document was part of the binder
25 that was already marked, but we can

CONFIDENTIAL

Page 75

1 separately mark this one, if that's
2 your preference.

3 MR. KARP: Tab 47.

4 THE EXHIBIT TECH: 47, thank
5 you.

6 BY MR. KARP:

7 Q. Thank you. We'll mark tab 47
8 as Exhibit 6. Just to make sure we have
9 the same documents in front of us,
10 Dr. Vauss, do you mind turning back to the
11 cover page?

12 A. Sure.

13 Q. It says, "Plaintiff's Third
14 Amended Answers to Defendants'
15 Interrogatories to Irvington Public Schools
16 (Set 3)"?

17 A. Yes.

18 - - - - -

19 (Plaintiff's Third Amended
20 Answers to Defendants'
21 Interrogatories to Irvington
22 Public Schools (Set 3) marked
23 Vauss Exhibit 6 for
24 identification.)

25 - - - - -

CONFIDENTIAL

Page 76

1 BY MR. KARP:

2 Q. Under -- just a little bit
3 down on the page for date of service, it
4 indicates May 14, 2025?

5 A. Yes.

6 Q. These were served just two
7 days ago?

8 A. Yes.

9 Q. And you were just referring
10 to some of the information that was
11 provided on Exhibit A; is that right?

12 A. Yes.

13 Q. Exhibit A to this document?

14 A. Yes, yes. This document,
15 yes.

16 Q. What is your understanding of
17 Exhibit A to this document?

18 A. So this is a breakdown of the
19 percentage of time allocated to social
20 media and a breakdown of the financial cost
21 of that percentage.

22 Q. I want to make sure I'm
23 reading the information here correctly.
24 The dollar amounts that are listed for each
25 year, do those correspond to salaries?

CONFIDENTIAL

Page 77

1 A. The total cost for -- so it
2 could be salary. It could be benefits.
3 It's the accumulation of costs.

4 Q. Let's use a specific example
5 just to make sure we're on the same page.
6 Do you see there's a line toward the top of
7 the page for chemistry. That's actually a
8 bad example, because there's not a lot of
9 information there. Let's say math.

10 A. Uh-huh.

11 Q. Do you see the line for math?
12 And I think we might be able to zoom in on
13 the screen a little bit. Thank you, a
14 little bit.

15 THE EXHIBIT TECH: Yeah,
16 that's about as big as I'm going to
17 get.

18 BY MR. KARP:

19 Q. Do you see the line for math?

20 A. I do.

21 Q. The first column that we get
22 to is a column for 2016?

23 A. Yes.

24 Q. Okay. Does that correspond
25 to the 2016 calendar year or the 2016

CONFIDENTIAL

Page 78

1 school year for IPS?

2 A. That is -- let's see. That
3 is the 2016 school year.

4 Q. Okay. So does that
5 correspond to the 2016-2017 school year or
6 the 2015-2016 school year?

7 A. Well, the way we do is
8 2016-2017, we do it as a block, so that
9 would be -- that would be the school year.
10 That would be the entire school year.

11 Q. So the 2016 school year --
12 2016 is the starting point of the school
13 year, meaning it's the 2016-2017 school
14 year, correct.

15 A. Yes.

16 Q. To give you another example,
17 if I were to say the 2020 -- excuse me, the
18 2020 school year, that would mean the
19 school year that took place from 2020 to
20 2021?

21 A. Or it could be 19-20.

22 Q. And that's what I'm trying to
23 understand here. So for 2016, is that
24 referring, as it's written here in the
25 exhibit, does that refer to the 2015 to

CONFIDENTIAL

Page 79

1 2016 school year at IPS or the 2016 to 2017
2 school year at IPS?

3 A. Can I take a moment --

4 Q. Of course.

5 A. -- and look at. I would say
6 that's the 2015-2016 -- well, let me
7 explain. I believe the amount of money
8 that we spent for teachers for the calendar
9 year of 2016 and then 2017. Not the
10 breakdown of -- because that could have
11 been, the breakdown would have started at
12 2015, but we start 2016 through 2024.
13 Okay.

14 Q. Okay. So is the 2016 here
15 referring to the 2016 calendar year, is
16 that what you're saying?

17 A. The calendar year.

18 Q. Okay. So this would capture
19 the end of the -- or, like, the second half
20 of the 2015-2016 school year and the
21 beginning of the following year from 2016
22 to 2017; is that right?

23 I'll withdraw the question
24 and maybe direct your attention to the very
25 top of the page where there's a line for --

CONFIDENTIAL

Page 80

1 for your compensation.

2 Do you see that?

3 A. Yes.

4 Q. It says, "Dr. A. Vauss,
5 April 2020 forward"?

6 A. Uh-huh.

7 Q. And if you look there, for
8 2020, the number \$43,674.72 is listed?

9 A. Uh-huh.

10 Q. Does that reflect that you
11 became -- excuse me, you became
12 superintendent of Irvington Public Schools
13 in July of 2020, right?

14 A. Uh-huh.

15 Q. So does this reflect part of
16 your salary, a partial year's salary for
17 you?

18 A. Yes.

19 Q. Does that refresh your
20 recollection that the 2020, as it's being
21 used in that column, refers to the calendar
22 year 2020?

23 A. Yes, it is calendar.

24 Q. Okay. So each column here
25 from 2016 to 2024 corresponds to a calendar

CONFIDENTIAL

Page 81

1 year. Is that the district's
2 understanding?

3 A. Yes.

4 Q. Just to stick with that part
5 of the spreadsheet, since we're already
6 there, just above that salary or that
7 compensation I read out is a number, it's
8 0.50.

9 Do you see that?

10 A. Yes.

11 Q. Does that represent
12 50 percent?

13 A. Oh, yes, for mine, yes. I'm
14 looking at the wrong line, yes.

15 Q. And to make sure I'm
16 understanding this document correctly, that
17 is the weight percentage that the district
18 is attributing to the time it has spent and
19 the resources it has spent addressing what
20 it believes was caused by social media?

21 A. The time that the
22 superintendent spends.

23 Q. Correct. So thank you for
24 clarifying. In this specific example for
25 you, that 0.50 reflects how much of your

CONFIDENTIAL

Page 82

1 time, Dr. Vauss, was spent addressing
2 issues that the district believes was
3 caused by social media?

4 A. Yes.

5 Q. Okay. And is that how we
6 would interpret this spreadsheet more
7 generally, that if there is a weight
8 percentage above some amount of
9 compensation, that is how much time the
10 district is attributing to social
11 media-related issues?

12 A. Yes.

13 Q. Okay. Thank you for walking
14 through that with me.

15 A. No problem.

16 Q. Earlier, I was asking you
17 about -- about this very issue of how much
18 time or what percentage of time IPS staff
19 spend addressing issues that it attributes
20 to social media, correct?

21 A. Uh-huh, yes.

22 Q. And you pointed me to the
23 assistant principal and principals and I
24 believe HSSCs --

25 A. As an example, yes.

CONFIDENTIAL

Page 83

1 Q. -- as examples, yes. And I
2 believe you testified -- well, let's --

3 A. I think I mentioned school
4 resource officers.

5 Q. Thank you.

6 A. Yeah. I think I kind of
7 was -- I think we stopped, you kind of
8 stopped me and we didn't go through the
9 whole thing, but that's okay.

10 Q. Okay.

11 A. It's your floor.

12 Q. Let's go to the line for
13 assistant principals. I believe that was
14 the first example you gave me.

15 A. Yes.

16 Q. So this is about halfway down
17 the page.

18 A. Uh-huh.

19 Q. So, in this example, the
20 weight percentage appears below the
21 compensation as opposed to above; is that
22 correct?

23 A. Ask that question again,
24 please.

25 Q. Just looking at the chart,

CONFIDENTIAL

Page 84

1 the weight percentage appears below --

2 A. Oh, appears below, oh, yes.

3 Q. -- as opposed to above --

4 A. Yes.

5 Q. -- which is what we saw for
6 your --

7 A. Yes, that's correct.

8 Q. And you said -- you pointed
9 me to 80 percent for assistant principals?

10 A. Yes.

11 Q. In your example?

12 A. Yes.

13 Q. So were you looking at the
14 2023 and 2024 columns when you gave me
15 those numbers?

16 A. I looked actually at the last
17 one, but it was also 2023, yes.

18 Q. Okay. I want to stick
19 with -- I don't want to put words in your
20 mouth. You were looking specifically at
21 the 2024 calendar year?

22 A. In that particular moment, I
23 was.

24 Q. Yes.

25 A. But I'm speaking to the

CONFIDENTIAL

Page 85

1 amount of time that they've spent and how
2 it has increased --

3 Q. Okay.

4 A. -- so.

5 Q. So in 2023 and 2024,
6 80 percent of the time, just to make sure
7 I'm understanding your testimony from
8 before --

9 A. Yes.

10 Q. -- 80 percent of the time --
11 strike that.

12 Assistant principals at IPS
13 in 2023 and 2024 spent 80 percent of their
14 time addressing issues involving students
15 who posted things to social media, those
16 things might have been liked, might have
17 been commented on, and that resulted in
18 fights or other in-person incidents
19 occurring at IPS; is that correct?

20 MR. INNES: Objection to form.

21 THE WITNESS: And shared.

22 BY MR. KARP:

23 Q. And shared?

24 A. Yes.

25 Q. And that's what the

CONFIDENTIAL

Page 86

1 80 percent here signifies?

2 A. The amount of time that
3 they've had to deal with things related to
4 social media.

5 Q. Okay. And I'm asking a
6 slightly different question and that is --

7 A. Okay.

8 Q. -- for the type of -- earlier
9 you told me that some of the incidents that
10 IPS staff have addressed have involved
11 posts to social media that are liked,
12 commented on, shared, and then they spill
13 into in person incidents.

14 Do you recall that?

15 A. Yes.

16 Q. Okay. And I'm asking about
17 that in particular, those types of
18 occurrences.

19 A. Uh-huh.

20 Q. Do you understand?

21 A. Yes, uh-huh.

22 Q. Is the 80 percent here how
23 much time is spent addressing those
24 incidents?

25 A. Yes.

CONFIDENTIAL

Page 87

1 MR. INNES: Objection to form.

2 THE WITNESS: Oh, sorry. Yes.

3 BY MR. KARP:

4 Q. Yes, they are?

5 A. Uh-huh.

6 Q. You mentioned principals as
7 well?

8 A. Yes.

9 Q. If we look up a couple of
10 rows, they're also at 80 percent --

11 A. Yes.

12 Q. -- principals, according to
13 this exhibit that was provided by the
14 district, 80 percent of principal -- IPS
15 principal time has been spent addressing
16 social media-related issues involving posts
17 that were either liked, commented on, or
18 shared that resulted in some in-person
19 incident at school?

20 MR. INNES: Objection to form.

21 THE WITNESS: So just to give
22 you a broad -- when we say
23 incidents that happen at school,
24 whether there's a situation in a
25 class that a staff member is

CONFIDENTIAL

Page 88

1 complaining about, whether it's,
2 for example, a head custodian
3 calling a principal to see the
4 damage that may have been done as a
5 result of social media. And
6 probably most frequently, posts
7 that have been put up and as a
8 result, it spills over into the
9 school and because people have
10 liked and shared it and it takes on
11 a life of its own and what is, what
12 is interesting is because, you
13 know, when I became a principal
14 versus being a principal now is
15 dramatically different. Because
16 many of us know that usually
17 disciplinary matters are dealt with
18 by assistant principals. But
19 because of the inundation of social
20 media into the realities of
21 schools, it's everyone. Everyone
22 has to deal with it. It's not, you
23 know, usually people think, hey,
24 you know, I get to become a
25 principal, I don't have to deal

CONFIDENTIAL

Page 89

1 with discipline as much. I might
2 have to deal with the heavy hitters
3 or I have to deal with just parents
4 who maybe don't like a consequence,
5 but now everyone is spending an
6 exorbitant amount of time and it's
7 changing the framework of what it
8 is, as educators, that they thought
9 they were going to deal with, so
10 yes, 80 percent.

11 BY MR. KARP:

12 Q. Thank you. Your -- if I'm
13 understanding your point, there are a lot
14 of ways that various people at IPS in
15 various roles may need to get involved to
16 address some of these issues; is that what
17 you're saying?

18 A. Well, I'm speaking
19 specifically about principals because you
20 pointed out the principals and APs, so
21 that's why I mentioned them.

22 Q. Thank you for clarifying.

23 A. You're welcome.

24 Q. We've gone through two
25 examples for assistant principals and

CONFIDENTIAL

Page 90

1 principals. There are a lot of other
2 people listed here.

3 A. Uh-huh.

4 Q. The way I've explained what
5 these weight percentages represent, is that
6 consistent across this -- across Exhibit A?

7 MR. INNES: Objection to form.

8 THE WITNESS: Consistent
9 meaning the same --

10 BY MR. KARP:

11 Q. Meaning the same -- well,
12 I'll ask a different question?

13 A. Yeah.

14 Q. I'll ask a different
15 question, because I think I've confused you
16 a bit.

17 A. I'm not confused. It just
18 that I know that words matter and so, you
19 know, to say consistent means the same over
20 and over and over again and, you know,
21 that's not -- they don't always look the
22 same.

23 Q. Throughout Exhibit A, the
24 district has given a weight percentage.

25 A. Yes.

CONFIDENTIAL

Page 91

1 Q. And is it the district's
2 position that those weight percentages
3 reflect the amount of time that various
4 people in various roles at IPS have spent
5 addressing issues that have arisen as a
6 result of posting on social media likes,
7 comments, shares, and the in-person
8 incidents or effects that result?

9 A. I would say that this
10 represents the effects of social media and
11 its effect taking away from the resources
12 and the primary roles of these various
13 employees. They wouldn't all necessarily
14 fit into that category, but it would be
15 inclusive of that category as well.

16 Q. Who would not fall into that
17 category that I just described?

18 A. I wouldn't say that anyone
19 would not, but I would say that there are
20 other things that perhaps could be and I
21 wouldn't -- it wouldn't be a completely
22 accurate testimony for me to say only what
23 you're describing, Mr. Karp.

24 Q. It's -- you used the word,
25 "inclusive," it's inclusive of what I was

CONFIDENTIAL

Page 92

1 describing?

2 A. Yes.

3 Q. Okay. To the extent it's
4 included, is it the majority of the time,
5 what I described, is that the majority of
6 the time that these individuals are
7 spending addressing issues they believe are
8 related to social media?

9 MR. INNES: Object to form.

10 THE WITNESS: If I understand
11 you correctly, the percentages that
12 are here that they are dealing with
13 issues as it relates to social
14 media.

15 BY MR. KARP:

16 Q. And, again, and I don't mean
17 to -- I just want to make sure I'm being
18 clear.

19 A. Okay.

20 Q. I'm asking specifically about
21 instances where something is posted to
22 social media, people like, comment, and
23 share, and/or share that post and that
24 results in a fight or some other incident
25 on -- at IPS?

CONFIDENTIAL

Page 93

1 A. Okay. So --

2 MR. INNES: Objection to form.
3 Misstates prior testimony.
4 Compound. Vague. And potentially
5 outside the scope.

6 MR. KARP: You can answer.

7 THE WITNESS: So let me give
8 you an example. So we have -- we
9 had a second grade student who
10 posted a picture of herself on a
11 social media platform of her --
12 showing herself, her nude parts,
13 right? It didn't result into a
14 fight, but it did result into an
15 investigation, right? And the
16 concerning thing is that, yes, it
17 was shared. I don't -- I don't
18 believe that the students liked it,
19 but they did share it.

20 So we did have to then call
21 law enforcement who had to do a
22 report. We had to make sure that
23 our staff understood that you
24 can't look at that, you know, all
25 of the things that go into a

CONFIDENTIAL

Page 94

1 child abuse type of case. And
2 the young lady posted it on a
3 platform and shared it with
4 classmates and I didn't even
5 believe that she was old enough
6 to have one, but she was able to
7 form one of some kind.

8 BY MR. KARP:

9 Q. Thank you, and that -- for
10 that example. So some portion of the time
11 that IPS staff have spent addressing issues
12 they believe are -- that the district
13 believes relate to social media involves
14 addressing inappropriate pictures or videos
15 that are posted to social media?

16 MR. INNES: Objection to form.

17 THE WITNESS: Yes.

18 BY MR. KARP:

19 Q. Yes. Am I understanding your
20 point that there was no incident that --
21 in-person incident that resulted from that
22 second grader's post and that was a
23 distinction that you were making?

24 A. Yes, that's what I was -- you
25 know, it didn't result into a fight so to

CONFIDENTIAL

Page 95

1 speak, it was dealt with in person at
2 school.

3 Q. Let's look at the top part of
4 this chart, specifically the section
5 called, "Teachers."

6 A. Uh-huh, yes.

7 Q. It appears that elementary
8 school teachers are broken out separately;
9 is that right?

10 A. Yes.

11 Q. And the weight percentage for
12 2016 through 2024 for elementary school
13 teachers is 5 percent?

14 A. Yes.

15 Q. The -- below elementary is a
16 long list of other subject matter and
17 departments from art to math to phys. ed to
18 vocal music.

19 Do you see that?

20 A. Yes.

21 Q. Okay. Do these represent
22 teachers at the middle schools and high
23 schools?

24 A. Yes.

25 Q. What is the district's

CONFIDENTIAL

Page 96

1 basis -- strike that.

2 The weight percentage
3 assigned for -- or that's indicated here,
4 rather, for middle school and high school
5 teacher ranges from 10 to 20 percent.

6 Do you see that?

7 A. Yes.

8 Q. What's the district's basis
9 for the difference in weight percentage as
10 between elementary school teachers on the
11 one hand --

12 A. Uh-huh.

13 Q. -- at 5 percent and --

14 A. Uh-huh, I'm sorry, yes.

15 Q. -- and middle school and high
16 school teachers on the other hand at
17 between 10 and 20 percent?

18 A. So when we look at K through
19 5, and the amount of time that is being
20 allocated for issues that pertain to social
21 media at the elementary level, it is about
22 5 percent and it's been steady.

23 When we go from grades 6
24 through 12 and we look at the amount of
25 time that they have to deal with issues as

CONFIDENTIAL

Page 97

1 you described and, you know, inclusive of
2 the issues that you describe, it went from
3 on average 2016 all the way up to -- from
4 10 percent up to 20 percent.

5 Q. Pre-K is listed under the
6 section for 10 to 20 percent.

7 Do you see that about
8 halfway down?

9 A. Yes.

10 Q. I'm sorry, was that a yes?

11 A. Yes. Yes, sorry.

12 Q. Do IPS -- do pre-K students
13 at IPS have social media accounts?

14 A. Not to my knowledge.

15 Q. Do pre-K students at IPS use
16 social media more than elementary school
17 students?

18 A. No.

19 Q. What's the district's basis
20 for including pre-K teachers with middle
21 school and high school teachers?

22 A. Can I speak with my counsel,
23 please? May I speak to my counsel? Is
24 that okay?

25 Q. If you don't know the

CONFIDENTIAL

Page 98

1 answer to the question -- yes, you may
2 speak with your counsel. If you don't know
3 the answer, just so there isn't a question
4 pending on the break. You can say you
5 don't know.

6 THE WITNESS: I don't know.

7 MR. KARP: Okay. We can take
8 a break.

9 THE VIDEOGRAPHER: The time
10 right now is 10:57 a.m. We are off
11 the record.

12 - - - - -

13 (A recess was taken at this time.)

14 - - - - -

15 THE VIDEOGRAPHER: The time
16 right now is 11:02 a.m. We're back
17 on the record.

18 MR. INNES: Just real quick, I
19 just want to make a statement. So
20 we did go off the record to discuss
21 the exhibit, which I don't know the
22 number --

23 MR. KARP: Six.

24 MR. INNES: Six. We were
25 outside the room for less than --

CONFIDENTIAL

Page 99

1 less than three minutes.

2 MR. KARP: Okay.

3 THE WITNESS: Okay.

4 BY MR. KARP:

5 Q. Thank you. Dr. Vauss, just
6 before the break, you asked if you could
7 speak --

8 A. Yes.

9 Q. -- with counsel and if you
10 could take a break?

11 A. Yes.

12 Q. Have you had a chance to do
13 that?

14 A. Yes.

15 Q. Is there something you wanted
16 to -- did you -- before the break I was
17 asking you about the pre-K entry on this
18 table?

19 A. Yes.

20 Q. Is there something you wanted
21 to tell me about that?

22 A. Yes. I'm embarrassed as a
23 teacher, specifically a math teacher that I
24 didn't see that. The pre-K should have
25 gone under the same category as the

CONFIDENTIAL

Page 100

1 elementary. If you note, there is a 5
2 percent below the master teacher, master
3 teacher, relief teacher, pre-K teacher
4 should go towards the top and the
5 attributable percentage would be 5 percent
6 for those as well.

7 THE VIDEOGRAPHER: I'm sorry,
8 Mr. Karp, I'm having a technical
9 issue. Could we go off?

10 MR. KARP: Of course.

11 THE VIDEOGRAPHER: The time
12 right now is 11:04 a.m. We're off
13 the record.

14 - - - - -

15 (Discussion was held off the record.)

16 - - - - -

17 THE VIDEOGRAPHER: The time
18 right now is 11:05 a.m. We're back
19 on the record.

20 BY MR. KARP:

21 Q. We took a brief break just to
22 address a technical issue, but we seem to
23 be back up and running again.

24 Just to make sure I heard
25 you correctly, Dr. Vauss, you were saying

CONFIDENTIAL

Page 101

1 that the pre-K relief teacher and master
2 teacher should be moved to the section for
3 5 percent?

4 A. Yes.

5 Q. Along with elementary school
6 teachers?

7 A. Yes.

8 Q. Thank you.

9 A. You're welcome.

10 MR. INNES: And, obviously,
11 Andrew, we'll serve an amended
12 response.

13 MR. KARP: Sure, we could sort
14 that out later. Thank you.

15 BY MR. KARP:

16 Q. Dr. Vauss, what is the
17 district relying on for the weight
18 percentages it has assigned for middle
19 school and high school teachers?

20 A. This is based upon the amount
21 of time they've expressed, the
22 conversations that has been had, it's a
23 mixture of items that they come up with the
24 conclusion that it's this percentage of
25 time.

CONFIDENTIAL

Page 102

1 Q. Has the district surveyed all
2 of the teachers whose compensation is
3 reflected in this exhibit?

4 MR. INNES: Objection to form.

5 THE WITNESS: Have we ever
6 surveyed them?

7 BY MR. KARP:

8 Q. About this issue?

9 A. Oh, about this issue, okay.
10 I don't believe we surveyed them about
11 this, so to speak. We have given them a
12 survey.

13 Q. Let's use social studies as
14 an example.

15 A. Uh-huh.

16 Q. This line refers to all
17 middle school and high school social
18 studies teachers?

19 A. Yes.

20 Q. In order to understand how
21 much time middle school and high school
22 social studies teachers at IPS spend
23 addressing issues they attribute to -- the
24 district attributes to social media --

25 A. Yes.

CONFIDENTIAL

Page 103

1 Q. -- did the district interview
2 each social studies teacher at IPS?

3 MR. INNES: Objection to form.

4 THE WITNESS: No, we didn't
5 interview every social studies
6 teacher. I did interview one
7 social studies teacher and the
8 principal of the school and she is
9 someone who I consider a leader
10 amongst the teachers and she spoke
11 to the amount of time that from the
12 time the students come in there,
13 she's telling them to get off their
14 cell phones. I asked her what do
15 you mean by being on the phone, so
16 to speak. She said social media
17 platforms. They're always trying
18 to post something so that they can,
19 I don't know, get attention. We
20 didn't go into, really into the
21 causalities of it, but just the
22 nonstop, and from her vantage
23 point, she is not the only one that
24 has to deal with this.

25 Speaking with my principals,

CONFIDENTIAL

Page 104

1 that is a constant, if we were
2 would talk about a constant or
3 something that happens
4 consistently is telling students
5 to get off of their cell phones
6 and the platforms when they find
7 out, when they look at, get off
8 of that, get off of that site,
9 get off of that.

10 BY MR. KARP:

11 Q. Which principal -- which
12 middle school principal were you referring
13 to?

14 A. I was speaking of
15 Mr. Bussacco.

16 Q. Which school is he with?

17 A. Oh, I'm sorry, University
18 Middle School.

19 Q. Which social studies teacher
20 did you interview?

21 A. Ms. Dove, Marsha Dove.

22 Q. How many social studies
23 teachers are there -- approximately how
24 many social studies does IPS employee at
25 the middle school and high schools?

CONFIDENTIAL

Page 105

1 MR. INNES: Objection to form.

2 Outside the scope.

3 THE WITNESS: I'm not sure.

4 BY MR. KARP:

5 Q. Can you give me a ballpark?

6 MR. INNES: Same objection.

7 THE WITNESS: I don't want to
8 guess. So I shouldn't guess.

9 BY MR. KARP:

10 Q. Do you know if it's more than
11 20?

12 MR. INNES: Same objection.

13 THE WITNESS: At the middle
14 school?

15 BY MR. KARP:

16 Q. At the middle schools and
17 high schools at IPS.

18 A. I don't want to guess.

19 Q. The district lists, the line
20 here for social studies teachers relates to
21 or corresponds to the compensation paid to
22 all social studies teachers at IPS middle
23 schools and high schools, correct?

24 A. Yes.

25 Q. And my question is how many

CONFIDENTIAL

Page 106

1 of those teachers exist?

2 MR. INNES: Objection. Asked
3 and answered.

4 THE WITNESS: Yes, that's the
5 same answer. I'm sorry, I don't
6 know the exact number right here.

7 BY MR. KARP:

8 Q. I won't belabor the point, is
9 it more than ten social studies teachers?

10 MR. INNES: Objection to form.
11 Asked and answered.

12 MR. KARP: You can answer.

13 THE WITNESS: Yeah, I answered
14 that, I don't want to venture a
15 guess, but yes.

16 BY MR. KARP:

17 Q. Did you interview any Spanish
18 teachers in connection with -- or let's
19 talk about Spanish teachers. There's no
20 compensation listed for Spanish teachers
21 until 2024.

22 Do you see that?

23 A. Yes.

24 Q. Is that because the district
25 didn't have Spanish teachers until 2024?

CONFIDENTIAL

Page 107

1 A. No, that's not correct. We
2 had, we had Spanish teachers.

3 Q. Okay. But they weren't
4 spending any of their time addressing
5 issues relating to social media?

6 A. They didn't -- it's not noted
7 here, so.

8 Q. Why would Spanish teachers be
9 exempt from these issues that other
10 teachers at Irvington Public Schools
11 believe they're facing related to social
12 media?

13 A. I couldn't venture a guess.

14 Q. How did the district
15 determine that -- strike that.

16 What did the district do to
17 identify the weight percentage that should
18 be applied to Spanish teachers?

19 A. Perhaps the complaints from
20 the classroom, I believe, maybe. I
21 shouldn't be venturing a guess, but that's,
22 that's what -- or the conversation with
23 that particular teacher or teachers.

24 Q. As the district, do you know
25 what was done to come up with the weight

CONFIDENTIAL

Page 108

1 percentage applied to Spanish teachers?

2 A. I don't know.

3 Q. Let's talk about --

4 A. As to the singular one, yes,
5 uh-huh.

6 Q. It's a single Spanish
7 teacher?

8 A. No, the singular --

9 Q. Entry for 2024?

10 A. Sale, yes, uh-huh.

11 Q. Let's talk about world
12 language. Did the district interview any
13 world language teachers to understand what
14 percentage of their time they attribute to
15 issues involving social media?

16 A. We spoke -- we spoke to the
17 staff, yes.

18 Q. You spoke to world language
19 teachers specifically?

20 A. The administrators would have
21 spoken to them and based upon referrals,
22 based upon conversations, based upon
23 complaints, information, that's where they
24 would have come up with that figure.

25 Q. Was every world language

CONFIDENTIAL

Page 109

1 teacher at IPS interviewed to come up with
2 the weight percentages that are reflected
3 in this table?

4 A. I couldn't say that. I
5 couldn't say yes or no to that.

6 Q. Is it IPS's position that
7 every teacher has had the exact same
8 experience with social media in their
9 classrooms?

10 A. I would not say that every
11 teacher has the same experience as anyone.

12 Q. What percentage of the
13 district's time is spent addressing issues
14 related to fight pages on social media?

15 MR. INNES: Objection to form.
16 I'm confused, you are asking about
17 the district?

18 MR. KARP: I'm asking the
19 district their position on what
20 percentage of their time is spent
21 addressing fight pages on social
22 media.

23 THE WITNESS: I don't think I
24 could quantify it. It would be --
25 it's a large amount of time. I

CONFIDENTIAL

Page 110

1 think it's safe to categorize
2 dealing with social media issues,
3 but dealing specifically with the
4 fights, it would be a large amount
5 of time.

6 BY MR. KARP:

7 Q. By, "large amount of time,"
8 do you mean the majority of time or do you
9 mean something else?

10 MR. INNES: Objection to form.

11 THE WITNESS: Can you ask that
12 question one more time?

13 BY MR. KARP:

14 Q. Sure. I just want to
15 understand what you mean by, "large amount
16 of time --"

17 A. Okay.

18 Q. -- or get a better
19 understanding of that.

20 A. Okay.

21 Q. Do you mean it's the majority
22 of time that the district spends addressing
23 social media-related issues?

24 A. If you -- if you pose the
25 question like that, I would say yes.

CONFIDENTIAL

Page 111

1 Q. What percentage of time does
2 the district spend addressing inappropriate
3 photos or videos that are posted to social
4 media?

5 MR. INNES: Objection to form.
6 You're asking about at every level
7 and to come up with a blended
8 average for everything that's in
9 this chart?

10 MR. KARP: If you would like
11 to break it down by elementary
12 school, middle school, high school,
13 you're welcome to do that, but my
14 question stands.

15 THE WITNESS: Okay. Can you
16 ask your question again?

17 BY MR. KARP:

18 Q. Sure. What percentage of
19 time does the district spend addressing
20 issues that it attributes to inappropriate
21 videos or images being posted to social
22 media?

23 MR. INNES: Same objection.

24 THE WITNESS: I would say a
25 fair amount is dealt with with

CONFIDENTIAL

Page 112

1 posting. A fair amount is being
2 spent with the sharing and the
3 liking. The posting does not
4 necessarily become evident until it
5 is liked or shared.

6 BY MR. KARP:

7 Q. If you include likes and
8 shares in my question, so the posting of
9 inappropriate content that may be liked or
10 shared or commented on, what percentage of
11 the district's time is spent addressing
12 issues it attributes to that type of social
13 media activity?

14 MR. INNES: Objection to form.

15 THE WITNESS: So I wouldn't
16 say that the district could answer
17 and break down that specific
18 category. I think that it would be
19 responsible for the district to say
20 that it relates to social media and
21 the use of the platform in general
22 terms. I don't think I can give a
23 responsible percentage out of the
24 percentage that we've already
25 given.

CONFIDENTIAL

Page 113

1 BY MR. KARP:

2 Q. Dr. Vauss, earlier we were
3 talking about the district's knowledge of
4 cell phone and social media use among IPS
5 students, do you recall?

6 A. Yes.

7 Q. You testified that you
8 approximated that IPS students spend
9 between 12 and 20 hours daily on their cell
10 phones, do you recall?

11 A. Yes, I do.

12 Q. You also testified that that
13 was based on reports and conversations that
14 the district has had with IPS staff,
15 correct?

16 A. When you say, "reports," can
17 you please verify what you mean?

18 Q. Conversations and
19 discussions --

20 A. Oh, okay.

21 Q. -- that they can have with
22 IPS students?

23 A. Yes, that is correct.

24 Q. Once the district realized or
25 believed that students were on their cell

CONFIDENTIAL

Page 114

1 phones for that amount of time, did they --
2 did the district have a town hall or group
3 meeting to discuss that as an issue?

4 MR. INNES: Objection to form.

5 THE WITNESS: No.

6 BY MR. KARP:

7 Q. Did the district launch a
8 task force or has the district ever
9 launched a task force to address social
10 media usage among IPS students?

11 A. No. I think it's fair to say
12 that we are so bombarded with social media
13 and the effects of it that we're trying to
14 stay above water in trying to address these
15 things realtime. It's, you know, I think
16 it's safe to say there isn't a day that
17 goes by that there's not something that
18 happens of a grand magnitude.

19 You know, there's, you know,
20 been assemblies, I know Mr. Bussacco spoke
21 to me about his sixth grade assembly that
22 he had at the opening of the year where he
23 spoke to sixth graders and maybe some
24 parents were present, about the effects of
25 it and how it has affected the school day

CONFIDENTIAL

Page 115

1 and how it, you know, it's not something
2 that's positive and yet, you know, the
3 students still continue to use it.

4 Q. But the district hasn't had
5 a -- launched a task force to address this?

6 A. Not -- no.

7 Q. Sorry. Let's switch gears a
8 little bit. Dr. Vauss, last time we
9 spoke -- or strike that.

10 Dr. Vauss, you were
11 previously deposed in your individual
12 capacity as Dr. Vauss where you provided
13 testimony about what you knew personally,
14 do you recall?

15 A. Yes.

16 Q. At that deposition, we talked
17 a fair amount about an article that had
18 been written by New Jersey 101.5, do you
19 recall?

20 A. Yes.

21 Q. You were designated as the
22 corporate representative on topic 66, which
23 involves the New Jersey 101.5 article. Are
24 you aware of that?

25 A. Yes.

CONFIDENTIAL

Page 116

1 Q. Sitting here today as
2 Dr. Vauss personally, and individually, do
3 you stand by the testimony that you gave
4 last week?

5 A. So I'm switching back do
6 Dr. Vauss?

7 Q. Yes, just for this question.

8 A. Just for this question.

9 MR. INNES: Objection to form.

10 THE WITNESS: Okay. So can
11 you ask your question again,
12 please?

13 BY MR. KARP:

14 Q. Sure. Last week, you
15 provided testimony under oath regarding the
16 New Jersey 101.5 article.

17 A. Yes, uh-huh.

18 Q. And my question to you today
19 is simply do you stand by that testimony?

20 MR. INNES: Objection.

21 Outside the scope. You can answer.

22 THE WITNESS: Okay. Yes.

23 BY MR. KARP:

24 Q. As the district now --

25 A. Yes.

CONFIDENTIAL

Page 117

1 Q. -- do you, have you done
2 anything else to prepare on this topic or
3 learn anything else about the 101.5
4 article?

5 A. No, no.

6 Q. Does the district disagree
7 with any of the testimony that was provided
8 by you in your individual capacity last
9 week?

10 A. That's kind of confusing.
11 I'm a little confused. So you wanted me to
12 answer as Dr. Vauss and now you want me to
13 answer does the district disagree with my
14 testimony? What part of the district are
15 you referring to, if I may ask?

16 Q. You are here on behalf -- and
17 it does get confusing because you're
18 wearing more than one hat?

19 A. Yes, uh-huh.

20 Q. You are appearing here as the
21 district --

22 A. Yes.

23 Q. -- as if the district were a
24 singular person, you know --

25 A. Yes, yes.

CONFIDENTIAL

Page 118

1 Q. -- on certain topics.

2 A. Yes.

3 Q. And one of those topics is
4 topic 66 regarding the New Jersey 101.5
5 article.

6 A. Uh-huh.

7 Q. And my question to you is
8 simply whether the district has any basis
9 to disagree with the testimony that you,
10 Dr. Vauss, provided last week under oath?

11 MR. INNES: Objection to form.
12 Counsel, to the extent that there's
13 particular testimony you would like
14 to direct the witness to that she
15 can read and consider, we would be
16 happy to do that.

17 MR. KARP: You can answer.

18 THE WITNESS: Okay. So I'm so
19 sorry. That was a lot of dialogue.
20 Can you repeat the question again?

21 BY MR. KARP:

22 Q. Sure. I'll ask it a little
23 bit differently. Dr. Vauss, last week you
24 testified under oath about the New Jersey
25 101.5 article, do you recall?

CONFIDENTIAL

Page 119

1 A. Yes.

2 Q. Does the district have -- and
3 that testimony was based on your personal
4 knowledge, correct?

5 A. Yes.

6 Q. Does the district have any
7 additional knowledge relating to the New
8 Jersey 101.5 article?

9 A. As to whether it is a correct
10 article? That was the original part, was
11 it -- does everyone agree with -- does IPS
12 agree with my summation of the 101.5
13 article?

14 Q. With the testimony that you
15 provided in response to my questions on the
16 101.5 article.

17 MR. INNES: Objection to form.

18 THE WITNESS: I would have to
19 say yes.

20 BY MR. KARP:

21 Q. In preparation for topic 66,
22 to testify on topic 66 today, did you
23 review any documents or speak to any
24 individuals to prepare?

25 A. Let me read that.

CONFIDENTIAL

Page 120

1 Q. Sure.

2 A. So one thing that I know was,
3 a question was about signs that you saw
4 about don't drink the water. I did look to
5 see when those signs originally came up
6 and -- and they came up in around 2005,
7 between 2005, I think, and 2007.

8 And the signs were placed
9 around the district in areas like bathrooms
10 and sinks and our cosmetology department
11 to -- to make sure that people wouldn't
12 drink out of a wash basin as opposed to
13 drinking from a water fountain or one of
14 the filtered machines that we have.

15 Q. And is that because it would
16 be unsafe to drink from those sources?

17 A. No, because those sources
18 aren't meant for that purpose. They're
19 meant to wash dishes, like, the one in the
20 back, in the back kitchen, they are to wash
21 someone's hair and to wash our hands after
22 you use the bathroom, that's in a bathroom,
23 where there are particles that are emitted
24 throughout the air in the bathrooms. So we
25 don't want scholars or adults to drink

CONFIDENTIAL

Page 121

1 water out of a sink.

2 Q. Have you personally been to
3 other bathrooms outside of IPS that have
4 had signs instructing people using the
5 bathroom not to drink the water?

6 MR. INNES: Objection.

7 Outside the scope. Are you asking
8 if she has been to a bathroom
9 anywhere in the world?

10 BY MR. KARP:

11 Q. I'm asking, outside of IPS,
12 have you seen signs in bathrooms telling
13 you not to drink the water?

14 MR. INNES: Objection to form.

15 THE WITNESS: I think you
16 asked, are there other places where
17 there were signs, I couldn't say.
18 There could have been. There may
19 not have been. I can't answer
20 that. All I can speak to in right
21 now would be for Irvington.

22 BY MR. KARP:

23 Q. And the reason that these
24 signs exist and that students are cautioned
25 not to drink the water is that the water

CONFIDENTIAL

Page 122

1 would not be safe to drink, correct?

2 A. No.

3 MR. INNES: Objection to form.

4 THE WITNESS: No.

5 BY MR. KARP:

6 Q. You said it was not the
7 purpose for the -- the intended purpose of
8 that water was not for drinking, was that
9 your testimony?

10 A. That's what I said.

11 Q. Because it would not be safe?

12 A. No, no, because the basin,
13 there are all kinds of different types of
14 purposes for that and it's not drinking.
15 They're encouraged to drink from the water
16 fountains, which would have the same lines
17 and all of the things that go throughout
18 the building. But, you know, the logic
19 behind that, I can't speak to, because I
20 wasn't the superintendent at the time the
21 signs were placed around.

22 Q. You're here as the district,
23 correct?

24 A. Yes.

25 Q. And the district's testimony

CONFIDENTIAL

Page 123

1 is that these signs went up in 2005?

2 A. Between 2005 and 2007.

3 Q. So at least some of these
4 signs have been up for 20 years?

5 A. I would say, yeah, if they
6 were exactly put up in 2005.

7 Q. And when did you join
8 Irvington Public Schools?

9 A. 2004.

10 Q. Other than reviewing
11 information regarding these signs, did you
12 do anything else to prepare for topic 66?

13 A. No. Because topic -- just
14 for my own understanding, can I read it out
15 loud?

16 Q. You may.

17 A. "The School District's
18 knowledge of complaints by Students or
19 Staff during the Relevant Time Period that
20 Schools are unsafe, including, but not
21 limited to, complaints regarding Irvington
22 High School during the 22-23 year, as
23 published on New Jersey 101 point" -- well,
24 1015, it says there, "dot com, and any
25 investigations by third-party entities in

CONFIDENTIAL

Page 124

1 response to such complaints, including, but
2 not limited to, the New Jersey Department
3 of Health or the Irvington Police
4 Department and the District's and our
5 Schools' response."

6 So did I do anything after
7 last week's testimony, no, I did not do
8 anything else.

9 Q. Also referenced in this topic
10 is investigations conducted by third
11 parties, including the New Jersey
12 Department of Health.

13 Do you see that?

14 A. Yes.

15 Q. We -- last week when you were
16 deposed in your individual capacity, you --
17 we discussed at length some records from
18 the New Jersey Department of Health, do you
19 recall?

20 A. Yes.

21 Q. Okay. Does the district have
22 any basis to disagree with the testimony
23 that you provided last week in your
24 individual capacity regarding the New
25 Jersey 101.5 article or the New Jersey

CONFIDENTIAL

Page 125

1 Department of Health records that we
2 discussed?

3 MR. INNES: Objection to the
4 form. Objection to, it's vague,
5 it's ambiguous. To the extent you
6 want to provide the witness with
7 the testimony and ask her questions
8 about that, you can do so.

9 Dr. Vauss, you can answer
10 the question.

11 THE WITNESS: Does the
12 district agree with my testimony
13 from last week?

14 BY MR. KARP:

15 Q. Correct.

16 A. Yes.

17 Q. Thank you. And the
18 district -- other than the signs that you
19 just told me about and -- or strike that.

20 Other than what we just
21 discussed with respect to the water signs,
22 the district doesn't have any knowledge
23 that is additional to the knowledge that
24 you had when you testified about the New
25 Jersey 101.5 article and New Jersey

CONFIDENTIAL

Page 126

1 Department of Health records?

2 MR. INNES: Objection to form.

3 MR. KARP: You can answer.

4 THE WITNESS: Okay. So does
5 the district, other than what I
6 testified last week, does that
7 testimony apply to the district as
8 well?

9 BY MR. KARP:

10 Q. Yes.

11 A. Yes.

12 Q. Thank you. Dr. Vauss, you're
13 the designated corporate representative on
14 topic nine, which is, "All preventative
15 and/or educational measures that the School
16 District has considered, proposed or
17 implemented to address the Alleged Harm,
18 including, but not limited to, the money
19 allocated and/or proposed to be allocated
20 to such preventative or educational
21 measures, including, but not limited to,
22 the use of cell phone pouches and
23 GoGuardian software."

24 Do you see that?

25 A. Yes.

CONFIDENTIAL

Page 127

1 Q. What is GoGuardian?

2 A. It is software that the
3 district uses to try to block usage on
4 sites that are not permissible.

5 Q. When did the district
6 implement GoGuardian?

7 A. We purchased GoGuardian in
8 December of 2020.

9 Q. It was, did you say purchased
10 in December of 2020?

11 A. I believe 2020.

12 Q. And went into effect, the
13 district started using it in December of
14 2020 as well?

15 A. I can't say exactly. I know
16 that's when it was purchased. But let me,
17 if you will, let me just check. I'm not
18 sure of the date of implementation, but the
19 board approval of the document -- I mean of
20 the software was 2020. December 2020.

21 Q. And the district continues to
22 use GoGuardian today?

23 A. Yes.

24 Q. Does the district use any
25 other content filters or firewalls to -- on

CONFIDENTIAL

Page 128

1 the IPS network or on school-issued
2 devices?

3 A. We have, I think that's our
4 primary one. There are -- there is a
5 school type of filter before we had
6 GoGuardian that just tries to block usage
7 of sites that are not permissible.

8 Q. Okay. And what is the school
9 type of filter that you're referring to?

10 A. I'm not sure what it's called
11 or if it's a particular site, but when you
12 have the school platform, Wi-Fi platform,
13 it just won't allow you to go on to certain
14 sites that are not -- there's a filter of
15 sites that may be, like, permissible and
16 certain sites are not, and so it blocked
17 it. And that wasn't sufficient, that is
18 why we decided to go with GoGuardian.

19 Q. Does the district use Palo
20 Alto?

21 A. I'm not sure.

22 Q. Is the district familiar with
23 Palo Alto?

24 A. Dr. Vauss is not familiar
25 with Palo Alto. Are there members of

CONFIDENTIAL

Page 129

1 Irvington Public Schools who may be,
2 probably, yes.

3 Q. Did you speak with them to
4 prepare for this topic?

5 A. Not about Palo Alto.

6 Q. Other than GoGuardian, are
7 you aware of any other content filters --
8 or strike that.

9 Putting aside GoGuardian,
10 are you aware of any content filters or
11 firewalls that Irvington Public Schools has
12 used on its networks or on district-issued
13 devices?

14 A. No, I am not.

15 Q. Do you know one way or
16 another if the district has ever used
17 iboss?

18 A. Can you --

19 Q. I-B-O-S-S.

20 A. Iboss, I am not familiar.

21 Q. What did you do to prepare
22 for this topic?

23 A. I spoke with Mr. Amberg about
24 the GoGuardian software.

25 Q. What -- are social media

CONFIDENTIAL

Page 130

1 sites blocked by GoGuardian?

2 A. I'm sorry.

3 Q. Are social media sites
4 blocked by GoGuardian?

5 A. They're supposed to be.

6 Q. Does GoGuardian block
7 Facebook?

8 A. It's supposed to.

9 Q. And I'm not talking about
10 whether students can figure out ways around
11 GoGuardian. I'm asking about the settings
12 and the way that IPS intends to use
13 GoGuardian, do you understand?

14 A. Yes.

15 Q. So is GoGuardian set to block
16 Facebook?

17 A. I don't know that it's set
18 specifically to block Facebook, but the way
19 I believe that it operates is that things
20 that are offensive or not in keeping with
21 what sites we believe students should go
22 on, it blocks it. So there may be times,
23 because the way filters work, sometimes
24 they can, it can be bypassed. It's not a
25 perfect device to block any platform.

CONFIDENTIAL

Page 131

1 Q. GoGuardian blocks categories
2 of sites?

3 A. I'm not sure that that's the
4 only way, but I believe that there may be
5 categories, things that trigger, words that
6 may trigger blockages.

7 Q. GoGuardian is set to -- to
8 block content that the district chooses to
9 block; is that right?

10 A. I think it's safe to say it
11 attempts to block things that it would be
12 considered offensive or obscene or, you
13 know, like pornography, for example, it
14 would attempt to block that. But if
15 certain words or things are used, it could
16 bypass the system.

17 Q. GoGuardian makes the
18 determination of what gets blocked, not
19 IPS?

20 MR. INNES: Objection to form.

21 THE WITNESS: No, I believe
22 it's done by our tech department or
23 our tech director with his
24 oversight, let me say, every single
25 thing.

CONFIDENTIAL

Page 132

1 BY MR. KARP:

2 Q. So IPS has input into what
3 sites or what content is blocked by
4 GoGuardian?

5 A. Yes.

6 Q. And has the district used
7 GoGuardian to block Facebook?

8 MR. INNES: Objection to form.

9 THE WITNESS: I believe that
10 it has attempted to block it, yes.

11 BY MR. KARP:

12 Q. For the entirety of the time
13 that the district has used GoGuardian?

14 MR. INNES: Objection to form.

15 THE WITNESS: Let me -- let me
16 clarify. So there are -- I don't
17 think that -- I think that it goes
18 piece by piece and certain times
19 Facebook can be used. Those are
20 some of the Facebook sites that
21 have been approved. Certain
22 Instagram sites have been approved.
23 Something that would perhaps not be
24 approved at all would be like a
25 TikTok, that wouldn't be.

CONFIDENTIAL

Page 133

1 YouTube, there would be
2 instances where YouTube would --
3 there would be a snippet of a
4 video or something that a teacher
5 may want to use and they get
6 permission to be able to use it.

7 BY MR. KARP:

8 Q. So I appreciate that answer
9 and I think I'm more focused on the default
10 settings. If I'm hearing you correctly,
11 there are instances when teachers or staff
12 can get permission for there to be limited
13 access for, like, a specific assignment or
14 video on one of these platforms; is that
15 what you're saying?

16 A. Yes.

17 Q. As a default, does IPS block
18 Facebook using GoGuardian?

19 MR. INNES: Objection to form.

20 THE WITNESS: Yes, it would be
21 an attempt to do that, yes.

22 BY MR. KARP:

23 Q. As a default, does IPS block
24 Instagram using GoGuardian?

25 MR. INNES: Objection to form.

CONFIDENTIAL

Page 134

1 THE WITNESS: I believe, yes.

2 BY MR. KARP:

3 Q. As a default, does IPS block
4 TikTok using GoGuardian?

5 MR. INNES: Objection to form.

6 THE WITNESS: I believe so,
7 yes.

8 BY MR. KARP:

9 Q. As a default, does IPS use --
10 block SnapChat using GoGuardian?

11 MR. INNES: Objection to form.

12 THE WITNESS: I believe, I
13 believe so, yes.

14 BY MR. KARP:

15 Q. And as a default, does IPS
16 block YouTube using GoGuardian?

17 MR. INNES: Objection to form.

18 THE WITNESS: I believe so,
19 yes.

20 BY MR. KARP:

21 Q. I'm handing you tab 13 which
22 we'll mark as Exhibit 7.

23 - - - - -

24 (Letter Bates

25 BW__Irvington00463683 to 00463688

CONFIDENTIAL

Page 135

1 marked Vauss Exhibit 7 for
2 identification.)

3 - - - - -

4 BY MR. KARP:

5 Q. This is a letter from John
6 Amberg.

7 Do you see that?

8 A. Yes.

9 Q. Who is Mr. Amberg?

10 A. He's our executive director
11 for technology.

12 Q. Have you seen this letter
13 before?

14 A. I'm sure I have, yes.

15 Q. Mr. Amberg wrote, the
16 technology -- on the first page.

17 A. Yes, uh-huh.

18 Q. Mr. Amberg wrote, "The
19 technology department is constantly working
20 to improve the safety and security of our
21 district infrastructure."

22 Do you see that?

23 A. Yes.

24 Q. Is that accurate?

25 A. Is it accurate that he's

CONFIDENTIAL

Page 136

1 working to improve the safety, yes.

2 Q. Yes.

3 A. And the security of our
4 district, yes.

5 Q. I'll ask a different
6 question. Is that true?

7 A. That is true.

8 Q. The next paragraph reads,
9 "The district purchased GoGuardian as a way
10 to allow teachers more flexibility in the
11 web filtration. GoGuardian (scenes)
12 provides teachers the ability to control
13 what websites their students can visit and
14 for how long they can stay on."

15 Do you see that?

16 A. Yes. Uh-huh.

17 Q. "This year, we have noticed
18 an uptick in cybersecurity threats and that
19 teachers are not maximizing the usage of
20 GoGuardian Scenes."

21 Do you see that?

22 A. Yes.

23 Q. "This is an issue, since this
24 is the best way to prevent a multitude of
25 issues with student engagement and

CONFIDENTIAL

Page 137

1 cybersecurity."

2 Do you see that?

3 A. Yes.

4 Q. Okay. One benefit when using
5 GoGuardian is to address cybersecurity
6 issues, correct?

7 A. Uh-huh, yes.

8 Q. Mr. Amberg wrote that
9 GoGuardian is the best way to address
10 issues of student engagement and
11 cybersecurity, correct?

12 A. Yes.

13 Q. Do you know what Mr. Amberg
14 meant when he said that teachers were not
15 maximizing the usage of GoGuardian Scenes?

16 A. That they weren't using it as
17 often as they could.

18 Q. Is it true that the
19 technology department is -- well, strike
20 that.

21 The next paragraph reads,
22 "Unfortunately, the technology department
23 is in a constant cat and mouse battle with
24 hackers, proxy servers, fake school sites,
25 and VPNs."

CONFIDENTIAL

Page 138

1 Do you see that?

2 A. Yes.

3 Q. Is that true?

4 A. To the best of my knowledge,
5 yes, at this time.

6 Q. Is it still true today?

7 A. That we're constantly in a
8 cat and mouse battle with hackers, if he
9 says so, then yes.

10 Q. And GoGuardian is a way that
11 the district tries to keep -- or strike
12 that.

13 The district uses GoGuardian
14 to protect the district from hackers and
15 other cybersecurity threats, right?

16 MR. INNES: Objection to form.

17 THE WITNESS: To the degree it
18 can, yes, uh-huh.

19 BY MR. KARP:

20 Q. The letter goes on to say --
21 strike that. Just give me one second.

22 Let's turn to page with
23 Bates ending in 684 in the bottom right
24 corner.

25 A. 684, yes.

CONFIDENTIAL

Page 139

1 Q. And there Mr. Amberg wrote,
2 "To make matters worse, some of our
3 students are dabbling in the dark web,
4 copying and pasting scripts, using sites
5 and portals to access the unrestricted
6 net."

7 Do you see that?

8 A. Yes.

9 Q. Okay. Is that true?

10 A. That was true at this time,
11 I'm sure, yes.

12 Q. Okay. He goes on to say
13 that, "Many of these sites have co-opted
14 Google Drive and Sites to mimic the Google
15 Classroom environment while offering access
16 to hacking tools, illegal movies and VPN
17 servers."

18 Do you see that?

19 A. Yes.

20 Q. Students at IPS were
21 downloading movies illegally?

22 MR. INNES: Objection.

23 Assumes facts not in evidence.

24 MR. KARP: You can answer.

25 THE WITNESS: Oh. Yes, that's

CONFIDENTIAL

Page 140

1 what he's saying.

2 BY MR. KARP:

3 Q. Okay. And that's something
4 the district believes to be true?

5 A. Yes, if he is stating it at
6 this time, yes, uh-huh.

7 Q. He goes on to write, "Last
8 year students copied and pasted JavaScripts
9 to complete i-Ready and other apps. This
10 year complete movies were downloaded in the
11 district triggering a copyright
12 infringement inquiry."

13 Do you see that?

14 A. Yes.

15 MR. INNES: Objection,
16 misstates the document.

17 BY MR. KARP:

18 Q. Did I read that correctly?

19 MR. INNES: You did not.

20 BY MR. KARP:

21 Q. Okay. Sorry. I'll try it
22 again. "Last year, students copied and
23 pasted JavaScripts to complete i-Ready and
24 other apps. This year complete movies were
25 downloaded in the district triggering a

CONFIDENTIAL

Page 141

1 copyright infringement query."

2 Do you see that?

3 A. Yes, I see that.

4 Q. And I read it correctly that
5 time?

6 A. Yes, you did.

7 Q. Thank you. The district had
8 to divert resources to address that
9 copyright infringement query?

10 A. Yes.

11 Q. Mr. Amberg wrote about
12 students dabbling in the dark web.

13 Do you see that?

14 A. Yes, uh-huh, which are we
15 referring back to the sentence before or
16 where are you?

17 Q. We're at the very top of the
18 paragraph.

19 A. Yes, yes, okay. Never mind.

20 Q. He wrote, "to make matters
21 worse some of our students are dabbling in
22 the dark web"?

23 A. Uh-huh.

24 Q. Are Defendants' social media
25 platforms part of the dark web?

CONFIDENTIAL

Page 142

1 MR. INNES: Objection to form.
2 Outside the scope. You can answer
3 in your personal capacity, if you
4 know.

5 THE WITNESS: I don't believe
6 the dark web is those social media
7 platforms that we've been
8 discussing.

9 BY MR. KARP:

10 Q. Let's turn the page to 685.
11 Mr. Amberg wrote, "There are things we can
12 do as a district. First, please be aware
13 that Classroom Management is the best first
14 line of defense. Teachers must monitor
15 their students."

16 Do you see that?

17 A. Yes.

18 Q. Toward the bottom of the
19 paragraph, Mr. Amberg wrote, "As for our
20 students we are watching them playing
21 games, enjoying full length movies and
22 visiting problematic sites, including
23 Russian gaming sites."

24 Do you see that?

25 A. Uh-huh, yes.

CONFIDENTIAL

Page 143

1 Q. Is that true?

2 A. That's true that that's what
3 that sentence says. I'm not sure when he
4 says, "we are watching them playing games,"
5 is he -- is that what you're talking about,
6 we are watching them play games, enjoying
7 full length movies, and visiting
8 problematic sites, including Russian gaming
9 sites. Can you rephrase your question?

10 Q. Sure. Mr. Amberg reported in
11 this letter that students were playing
12 games, enjoying full length movies and
13 visiting problematic sites, including
14 Russian gaming sites.

15 Do you see that?

16 A. Yes.

17 Q. Is it true that IPS students
18 were playing games at school?

19 A. It is true that I believe
20 that he is correct that that has been done,
21 but I wouldn't say that -- that that speaks
22 for all of our teachers are just watching
23 students play games and full length movies,
24 completing a full-length movie and all of
25 that and not intervening.

CONFIDENTIAL

Page 144

1 Q. My question was simply if IPS
2 students are engaging in these activities.
3 So just to clarify --

4 A. Yes, yes.

5 Q. So are IPS students playing
6 games at school?

7 MR. INNES: Objection.
8 Outside the scope.

9 THE WITNESS: I would say,
10 according to Mr. Amberg, there are
11 students who are playing games,
12 yes.

13 BY MR. KARP:

14 Q. Does the district have a
15 reason to doubt that Mr. Amberg is telling
16 the truth in this letter?

17 MR. INNES: Objection.
18 Outside the scope.

19 THE WITNESS: No.

20 BY MR. KARP:

21 Q. Is it true that IPS students
22 were enjoying full-length movies and
23 visiting problematic sites?

24 MR. INNES: Objection.
25 Outside the scope.

CONFIDENTIAL

Page 145

1 THE WITNESS: According to Mr.
2 Amberg, yes.

3 BY MR. KARP:

4 Q. They were visiting Russian
5 gaming sites, correct?

6 MR. INNES: Objection.
7 Outside the scope.

8 THE WITNESS: According to Mr.
9 Amberg, yes.

10 BY MR. KARP:

11 Q. GoGuardian would be one
12 mechanism for addressing these issues and
13 keeping students from using their
14 technology in this way, correct?

15 A. Yes, that is one thing that
16 could help address that.

17 Q. Okay.

18 A. But that is not to say --
19 there may be instances where people aren't
20 using it but that doesn't mean that the
21 other staff aren't using it to do just
22 that, but it's limited, I would -- never
23 mind.

24 Q. Have Irvington Public School
25 students used their cell phones at school

CONFIDENTIAL

Page 146

1 to access websites that they're not
2 supposed to access?

3 A. Say that again, I'm sorry.

4 Q. Sure. Have IPS students used
5 their cell phones while at school or
6 attempted to use them to access sites
7 they're not supposed to be on?

8 MR. INNES: Objection to form.
9 Objection to scope. What time
10 period are we talking about?

11 MR. KARP: In general during
12 the relevant time period.

13 THE WITNESS: Yes. And just
14 the last question that you asked,
15 when I looked at the next page, and
16 when it was saying that the
17 teachers were, you know, could
18 have, I guess, stopped them from
19 watching movies. Mr. Amberg notes
20 that while some of these can be
21 locked, some can't, because they're
22 housed on Google Drive, which is a
23 platform that we use for our
24 educational execution and if we
25 block certain things, in trying to

CONFIDENTIAL

Page 147

1 block that, it will stop the full
2 use of what we're trying to use
3 Google Drive for. So I just wanted
4 to clarify that.

5 BY MR. KARP:

6 Q. Thank you for clarifying.

7 Do IPS students -- have IPS
8 students during the relevant time period
9 attempted to access pornography on their
10 cell phones while at school?

11 MR. INNES: Objection to form.
12 Outside the scope.

13 THE WITNESS: I don't know as
14 the district and as myself, I don't
15 know. I don't know.

16 BY MR. KARP:

17 Q. Does the district know?

18 MR. INNES: Objection. Asked
19 and answered.

20 MR. KARP: She said as
21 herself.

22 THE WITNESS: I thought I said
23 as the district and myself, but I
24 could be wrong.

25

CONFIDENTIAL

Page 148

1 BY MR. KARP:

2 Q. I misheard you then. As the
3 district and yourself, you don't know?

4 A. I would say that I know as
5 the district in my capacity of speaking for
6 the district, I know of -- I think it would
7 be safe to say, yes, but I couldn't give
8 you on a specific time, date, at this
9 particular moment, but I would say chances
10 are likely, yes.

11 Q. GoGuardian is an effective
12 tool that the district uses to keep IPS
13 students from accessing sites and doing
14 certain activity, engaging in certain
15 activity online while at school, correct?

16 MR. INNES: Objection to form.

17 THE WITNESS: Yes, to the
18 degree it can.

19 BY MR. KARP:

20 Q. Does the district pay more
21 for GoGuardian based on how many issues are
22 flagged or how many times GoGuardian blocks
23 a student from engaging in a certain
24 activity?

25 MR. INNES: Objection to form.

CONFIDENTIAL

Page 149

1 THE WITNESS: I'm not sure if
2 increases in cost relate to the
3 amount of times that it has to be
4 used. I know other systems that we
5 use for other reasons, when they
6 look at our amount of usage, they
7 do increase pricing.

8 BY MR. KARP:

9 Q. The district doesn't know how
10 much it spent -- or strike that.

11 The district doesn't know
12 whether the amount of money it spends on
13 GoGuardian varies based on how much
14 activity the GoGuardian software blocks?

15 MR. INNES: Objection to form.
16 Outside the scope.

17 MR. KARP: You can answer.

18 THE WITNESS: I'm not sure, as
19 the district, I'm not specifically
20 sure about that. We would have to
21 be -- well, never mind, yes.

22 BY MR. KARP:

23 Q. Are you familiar with the
24 Child's Internet Protection Act commonly
25 known as CIPA?

CONFIDENTIAL

Page 150

1 A. Yes.

2 Q. To receive government
3 funding, a district must comply with CIPA?

4 A. Yes.

5 Q. Who at IPS has ultimate
6 responsibility for ensuring that IPS is
7 compliant with CIPA?

8 A. The superintendent.

9 Q. And that would be you,
10 Dr. Vauss?

11 A. Yes, yes.

12 Q. And to comply with CIPA, a
13 district must meet certain certification
14 requirements; is that right?

15 A. Yes.

16 Q. CIPA has three certification
17 requirements; is that correct?

18 A. I'm not sure of the exact
19 number.

20 Q. To comply with CIPA, a
21 district must have an internet safety
22 policy that includes technology protection
23 measures, correct?

24 A. Uh-huh.

25 Q. The protection measures --

CONFIDENTIAL

Page 151

1 sorry, was that a yes?

2 A. Yes, I'm sorry, yes.

3 Q. The protection measures
4 require the district to block or filter
5 internet access to pictures that are
6 obscene, child pornography, or are harmful
7 to minors, correct?

8 A. So that would be, like, our
9 firewall. That was what I was referring to
10 earlier when I said that in conjunction
11 with GoGuardian.

12 Q. Okay.

13 A. Yes.

14 Q. The second certification that
15 IPS needs to make in order to be CIPA
16 compliant is that it monitors the online
17 activity of minors, correct?

18 A. Yes.

19 Q. And the third certification
20 that IPS provides in order to be CIPA
21 compliant is that it provides education to
22 minors about appropriate online behavior,
23 correct?

24 A. Yes, uh-huh.

25 Q. Appropriate online behavior

CONFIDENTIAL

Page 152

1 includes interacting with others on social
2 media --

3 A. Yes.

4 Q. -- as well as cyberbullying
5 awareness and response?

6 A. Yes.

7 Q. IPS as an internet safety
8 policy, correct?

9 A. Yes.

10 Q. And this policy has been in
11 effect since 2014?

12 A. I believe so, yes.

13 Q. IPS has a program to block or
14 filter internet access as well as to
15 monitor the online activities of minors,
16 correct?

17 A. Yes.

18 Q. That program is GoGuardian?

19 A. Yes.

20 Q. You said earlier that
21 GoGuardian was first purchased in December
22 of 2020?

23 A. I believe that was the date.

24 Q. The Irvington Board of
25 Education approved the purchase of

CONFIDENTIAL

Page 153

1 GoGuardian?

2 MR. INNES: Objection to form.

3 Asked and answered.

4 THE WITNESS: Yes.

5 BY MR. KARP:

6 Q. And the Board of Education
7 has approved the purchase and use of
8 GoGuardian every year since?

9 A. Yes.

10 Q. Okay. GoGuardian is one of
11 the ways in which IPS complies with CIPA,
12 correct?

13 A. Yes.

14 MR. KARP: It's noon, are we
15 hungry? Is this a good time for a
16 lunch break?

17 MR. INNES: It's up to you,
18 Doctor.

19 THE WITNESS: I mean I'm okay.

20 MR. KARP: We can go for a
21 little bit longer, that's fine.

22 THE WITNESS: What do you
23 think?

24 MR. INNES: If you're hungry,
25 we should take a break. If you're

CONFIDENTIAL

Page 154

1 not hungry, we can keep going.

2 THE WITNESS: Okay. I don't
3 eat before 12:00, so.

4 MR. KARP: Okay. We can keep
5 going. I'll check in again in
6 about a half an hour.

7 THE WITNESS: Okay. Well, I
8 don't eat anything, so I would like
9 to stop if that's okay. I'm
10 sorry --

11 MR. KARP: I'm sorry.

12 THE WITNESS: I'm sorry. I'm
13 sorry, I wasn't clear. I just
14 drink coffee before and water, so.

15 MR. KARP: Now I understand.
16 Let's go off the record.

17 THE VIDEOGRAPHER: The time
18 right now is 12:04 p.m. and we're
19 off the record.

20 - - - - -

21 (A recess was taken at this time.)

22 - - - - -

23 THE VIDEOGRAPHER: The time
24 right now is 12:37 p.m. We're back
25 on the record.

CONFIDENTIAL

Page 155

1 BY MR. KARP:

2 Q. Dr. Vauss, welcome back from
3 lunch.

4 A. Thank you.

5 Q. What is Generations Family
6 Guidance?

7 A. That is one of the services
8 that we use for our scholars here.

9 Q. That's programming for the
10 students specifically?

11 A. Yes.

12 Q. Is that programming also
13 offered to IPS staff or is it just for IPS
14 students?

15 A. I believe it's just for
16 students.

17 Q. How long has IPS been
18 offering Generations Family Guidance?

19 A. Let me look at my notes.

20 MR. INNES: Objection to form.

21 THE WITNESS: I'm not sure
22 exactly when it started. I'm not
23 sure.

24 BY MR. KARP:

25 Q. Do you have an approximate

CONFIDENTIAL

Page 156

1 date of when the district first started
2 offering Generation Family -- Generations
3 Family Guidance services?

4 A. I am not sure.

5 Q. Is --

6 A. Before my tenure.

7 Q. Are the services offered
8 district-wide?

9 A. I believe it's the -- I mean,
10 district-wide, yes, as is necessary, yes.

11 Q. Meaning -- or to clarify my
12 question, are Generations Family Guidance
13 services offered at all schools within
14 Irvington Public Schools?

15 A. I don't believe so. But when
16 I say it services our students and their
17 families, not our staff.

18 Q. Thank you.

19 A. Just to clarify.

20 Q. Thank you for clarifying. Do
21 you know of specific schools within IPS
22 where Generations Family Guidance services
23 are offered?

24 A. Irvington High School.

25 Q. You said Irvington High

CONFIDENTIAL

Page 157

1 School?

2 A. Yes.

3 Q. Any of the middle schools?

4 A. I don't want to guess, but I
5 know Irvington High School.

6 Q. I'm handing you tab 18.

7 A. Thank you.

8 Q. We will mark this as
9 Exhibit 8.

10 MR. INNES: I take it
11 Exhibit 9 will be the attachment?

12 BY MR. KARP:

13 Q. That's where we're headed.
14 This is an email chain, the top email in
15 this chain is dated January 4, 2024.

16 Do you see that?

17 A. Yes, yes.

18 - - - - -

19 (Email String Bates
20 BW__Irvington 00002168 to
21 00002169 marked Vauss Exhibit 8
22 for identification.)

23 - - - - -

24 BY MR. KARP:

25 Q. The subject is, "Forward:

CONFIDENTIAL

Page 158

1 Your scan, scan to my email," correct?

2 A. Yes, uh-huh, that's correct.

3 Q. Yes. This is an email that
4 Tanora Ligons sent to Shelley Pettiford?

5 A. Yes.

6 Q. Who is Tanora Ligons?

7 A. Actually, we know her as Dr.
8 Ligons. She is an HSSC at Union Avenue
9 Middle School.

10 Q. And who is Shelley Pettiford?

11 A. She is our director of school
12 counselors, HSSCs, McKinney-Vento, and I
13 think there might be something else in her
14 title.

15 Q. She's responsible for a lot
16 of programs within the district?

17 A. Your voice kind of went down,
18 sorry.

19 Q. She's responsible for many
20 programs in the district?

21 A. Yes, yes.

22 Q. Dr. Ligons wrote, "Good
23 morning, Ms. Pettiford, I hope this email
24 finds you well. Attached is the letter
25 that you requested for GFG. Thank you."

CONFIDENTIAL

Page 159

1 Do you see that?

2 A. Yes.

3 Q. Okay. And then she attaches
4 a document here?

5 A. Yes, that's an attachment.

6 Q. I'm handing you tab 18A. And
7 that will be Exhibit 9.

8 - - - - -

9 (Letter Bates
10 BW__Irvington00002170 marked
11 Vauss Exhibit 9 for
12 identification.)

13 - - - - -

14 BY MR. KARP:

15 Q. I'll represent to you that
16 this is the attachment to the email we were
17 just reviewing. This is a letter signed by
18 Dr. Ligons.

19 Do you see that?

20 A. Yes.

21 Q. And it says, "To whom it may
22 concern: The Generations Family Guidance
23 team has been a great asset to Union Avenue
24 Middle School."

25 Do you see that?

CONFIDENTIAL

Page 160

1 A. Yes, uh-huh.

2 Q. Does that refresh your
3 recollection that Generations Family
4 Guidance --

5 A. Yes.

6 Q. -- was used at Union, was
7 offered at --

8 A. Yes.

9 Q. -- Union Avenue Middle
10 School?

11 A. Yes.

12 Q. Thank you.

13 A. I was most familiar with the
14 high school, but, yes, this is what this
15 shows, yes.

16 Q. Thank you. Does this refresh
17 your recollection of whether these services
18 were offered at any other schools at IPS in
19 addition to Irvington High School and Union
20 Avenue Middle School?

21 A. Yes.

22 Q. What other schools?

23 A. University Middle School as
24 well.

25 Q. Going back to the letter, Dr.

CONFIDENTIAL

Page 161

1 Ligons wrote, "The team provides group and
2 individual counseling to our scholars to
3 promote behavioral and academic success.
4 Some of the group and individual topics
5 include building self-esteem, goal setting,
6 developing healthy coping skills, emotion
7 regulation, and conflict resolution."

8 Do you see that?

9 A. Yes.

10 Q. Did I read that correctly?

11 A. Yes.

12 Q. Generations Family Guidance
13 offered a range of services, correct?

14 A. Yes.

15 Q. Dr. Ligons goes onto write,
16 "In addition, they engage scholars through
17 classroom presentations that focus on
18 topics such as suicide -- excuse me --
19 suicide prevention, dangers of vaping, and
20 HIB."

21 Do you see that?

22 A. Yes.

23 Q. Generations Family Guidance
24 provided services relating to vaping; is
25 that right?

CONFIDENTIAL

Page 162

1 A. Yes.

2 Q. They provided services
3 relating to suicide prevention?

4 A. Yes.

5 Q. And they provided services
6 relating to HIB?

7 A. Yes.

8 Q. Dr. Ligons doesn't use the
9 words, "social media," anywhere in this
10 letter, correct?

11 A. Yes.

12 Q. Let's turn to tab 19. We'll
13 mark this as Exhibit 10.

14 - - - - -

15 (PowerPoint Presentation
16 Bates BW__Irvington00487452
17 marked Vauss Exhibit 10 for
18 identification.)

19 - - - - -

20 BY MR. KARP:

21 Q. Dr. Vauss, the first page of
22 this document I handed you says, "File
23 produced in native format," that simply
24 means that in this lawsuit this file was
25 produced to us as a PowerPoint

CONFIDENTIAL

Page 163

1 presentation.

2 A. Okay.

3 Q. I printed it to PDF so that
4 you would have it available to review
5 today.

6 A. Okay. Thank you.

7 Q. The first slide of this
8 presentation is, "Social Media Safety
9 Presented by Guidance and HSSC Department."
10 Do you see that?

11 A. Yes, I do.

12 Q. Are you familiar with this
13 presentation?

14 A. Vaguely.

15 Q. Do you know who received
16 this -- or strike that.

17 Do you know to whom the
18 presentation was given?

19 A. I believe it was given to
20 staff. I'm not sure exactly which staff.
21 I know it was presented by guidance and the
22 HSSC department, because that's what it
23 says.

24 Q. Is this a document that you
25 reviewed in your preparation for today's

CONFIDENTIAL

Page 164

1 deposition?

2 A. No, actually, no.

3 Q. But your belief, sitting here
4 today, is that this presentation was given
5 to IPS staff?

6 A. I believe so.

7 Q. Do you know if this
8 presentation was given to students?

9 A. I don't know.

10 Q. Do you know who presented
11 this presentation?

12 A. I do not. I want to believe
13 looking at the content that it was given to
14 scholars as well.

15 Q. Let's look at the second
16 slide here that says, "Pros of Social Media
17 Usage" at the top?

18 A. Uh-huh.

19 Q. Are you familiar with this
20 slide?

21 A. I think you just -- you just
22 asked me that, I believe. You asked if I
23 was familiar with this document and all of
24 that, so, I mean, I'm reading it with you.

25 Q. Thank you. And this

CONFIDENTIAL

Page 165

1 presentation that was given by guidance and
2 HSSC department at IPS identifies a number
3 of pros of social media usage.

4 Do you see those?

5 A. I do.

6 Q. Okay. The first one listed
7 is, "Stay connected with friends and
8 family"?

9 A. Yes.

10 Q. And does the district agree
11 that's a pro of social media usage?

12 A. Yes.

13 Q. Social media can be an
14 educational tool.

15 Do you see that?

16 A. Yes.

17 Q. That's what the guidance and
18 HSSC presented in this presentation?

19 A. Yes, they did.

20 Q. Social media can enhance
21 creativity.

22 Do you see that?

23 A. Yes.

24 Q. Does the district agree with
25 that?

CONFIDENTIAL

Page 166

1 A. Yes.

2 Q. It's a -- social media can be
3 a means to share ideas, music, and art.

4 Do you see that?

5 A. Yes.

6 Q. And then there's a prompt at
7 the end of this slide that says, "What
8 positive ways do you use social media?"

9 Do you see that?

10 A. Yes.

11 Q. The presenters were
12 encouraging IPS staff who were listening to
13 this presentation to think of other ways
14 that social media could be used positively,
15 correct?

16 A. I believe so, yes.

17 Q. Do you know what other -- do
18 you know if the individuals who heard this
19 presentation came up with any --

20 A. I don't know. I wasn't
21 there. I wasn't present.

22 Q. I'm asking as the district if
23 you're aware.

24 A. No, I don't know any other
25 things that they came up with --

CONFIDENTIAL

Page 167

1 Q. Thank you.

2 A. -- as the district.

3 Q. Irvington Public Schools
4 believes that there are positive ways to
5 use social media, correct?

6 A. Yes.

7 Q. Let's turn the page to slide
8 three. Slide three runs through the cons
9 of social media usage according to the
10 guidance and HSSC department at IPS,
11 correct?

12 A. Yes.

13 Q. The first item here is
14 cyberbullying?

15 A. Yes.

16 Q. The second item is,
17 "Inappropriate post (pictures, threats, and
18 videos)?"

19 A. Yes.

20 Q. The third item here is
21 revealing personal information?

22 A. Yes.

23 Q. The fourth is easy target for
24 online predators?

25 A. Yes.

CONFIDENTIAL

Page 168

1 Q. The fifth is excessive usage?

2 A. Yes.

3 Q. And the last one is destroys
4 social skills?

5 A. Yes.

6 Q. Is it the district's position
7 that all of these cons apply to IPS
8 students?

9 A. Yes.

10 Q. Let's go through these in
11 order just to make sure we're on the same
12 page here.

13 A. Okay.

14 Q. Cyberbullying is the first
15 item listed?

16 A. Yes.

17 Q. And that refers to
18 individuals posting and liking and sharing
19 content on -- on social media that other
20 individuals might find offensive or hateful
21 or negative; is that right?

22 MR. INNES: Objection.

23 Misstates the document. Assumes
24 facts not in evidence.

25 THE WITNESS: I'm sorry, so I

CONFIDENTIAL

Page 169

1 believe -- can you repeat your
2 question?

3 BY MR. KARP:

4 Q. I'll ask a slightly different
5 question. Cyberbullying involves someone
6 posting something negative about someone
7 else on social media, correct?

8 MR. INNES: Objection to form.

9 THE WITNESS: Yes.

10 BY MR. KARP:

11 Q. Okay. And that post might
12 hurt someone's feelings?

13 MR. INNES: Objection to form.

14 THE WITNESS: Yes.

15 BY MR. KARP:

16 Q. And then other individuals
17 may comment on the post and that may also
18 lead to someone's feelings being hurt,
19 correct?

20 MR. INNES: Objection to form.

21 THE WITNESS: Yes.

22 BY MR. KARP:

23 Q. The next item here is
24 inappropriate posts, pictures, threats and
25 videos.

CONFIDENTIAL

Page 170

1 Do you see that?

2 A. Yes.

3 Q. This refers to pictures and
4 threats and videos that are posted on to
5 social media platforms, correct?

6 A. Yes.

7 Q. The next item here is
8 revealing personal information?

9 A. Yes.

10 Q. This could refer to an
11 individual posting a piece of private
12 information on social media that now the
13 public can view, correct?

14 MR. INNES: Objection to form.

15 THE WITNESS: Yes.

16 BY MR. KARP:

17 Q. The next item is easy target
18 for online predators.

19 Do you see that?

20 A. Yes.

21 Q. Does IPS have any data
22 regarding whether this was a particular
23 issue for IPS students?

24 A. No. When you say, "easy
25 target for online predators," so I would

CONFIDENTIAL

Page 171

1 say no.

2 Q. The next item here is
3 excessive usage, which refers -- sorry, the
4 next item here is excessive usage, correct?

5 A. Yes.

6 Q. Referring to the amount of
7 time that an individual is spending on
8 social media, right?

9 MR. INNES: Objection to form.
10 Misstates the document.

11 THE WITNESS: Yes.

12 BY MR. KARP:

13 Q. And the last item here is
14 destroys social skills.

15 Do you see that?

16 A. Yes.

17 Q. Referring to what impact the
18 use of social media can have on an
19 individual's social skills?

20 MR. INNES: Objection to form.
21 Misstates the document.

22 THE WITNESS: Yes.

23 BY MR. KARP:

24 Q. Let's turn the page to the
25 next slide.

CONFIDENTIAL

Page 172

1 This slide is titled,
2 "Challenges Spread Through Social Media."

3 Do you see that?

4 A. Yes.

5 Q. And then a number of
6 challenges are listed?

7 A. Yes.

8 Q. The questions at the bottom
9 are, "Which of these is positive and why?"
10 And "Which of these is negative and why?"

11 Do you see that?

12 A. Yes.

13 Q. Sitting here today, do you
14 know which of these are positive or
15 negative?

16 A. I believe GoFundMe pages,
17 these are not limited to IPS, but GoFundMe
18 page challenges are at times positive ones,
19 because they raise money.

20 Flash mob challenges are
21 just, just that, flash mob, that they don't
22 hurt anyone.

23 Some of the others, I
24 imagine they -- shut up and dance and the
25 challenge, not necessarily a bad thing.

CONFIDENTIAL

Page 173

1 The only thing that I would
2 say would be negative are the ones that
3 disrupt the instructional day or hurt
4 people or are disruptive in nature and
5 damaging.

6 Q. You mentioned GoFundMe
7 challenge was one way to raise money?

8 A. Yes, because I'm familiar
9 with GoGuardian pages, so.

10 Q. Are you familiar at all with
11 the ice bucket challenge?

12 A. Yes.

13 Q. What is that?

14 A. They have ice water thrown on
15 them and see if they can withstand it.

16 Q. Was that also a fundraiser?

17 A. Oh, these weren't things that
18 were promoted by the district. So, I mean,
19 I guess that -- I don't understand -- maybe
20 you can ask that question again.

21 Q. My question was simply was
22 the ice bucket challenge a fundraiser?

23 MR. INNES: Objection, so --

24 MR. KARP: I didn't ask at IPS
25 specifically, I'm just asking, does

CONFIDENTIAL

Page 174

1 the district know if the ice bucket
2 challenge was a fundraiser?

3 THE WITNESS: I believe in
4 some places, it was.

5 BY MR. KARP:

6 Q. The district here is -- or
7 strike that.

8 The guidance and HSSC
9 department for IPS highlighted a number of
10 challenges to IPS staff who were listening
11 to this presentation, correct?

12 A. Yes.

13 Q. The district acknowledges
14 that there are positive challenges that can
15 occur on social media, correct?

16 A. Yes.

17 Q. Let's turn the page. This
18 slide is called, "Conclusion."

19 Do you see that?

20 A. Yes.

21 Q. Okay. The first conclusion
22 listed is, "Report any inappropriate social
23 media communication to parents, school,
24 school staff, or trusted adults."

25 Do you see that?

CONFIDENTIAL

Page 175

1 A. Uh-huh.

2 Q. It's encouraging, this slide
3 is encouraging individuals to report
4 inappropriate communications that they have
5 observed on social media, correct?

6 A. Yes, uh-huh.

7 Q. Do not friend strangers is
8 the second conclusion?

9 A. Yes.

10 Q. The third is use privacy
11 settings?

12 A. Yes.

13 Q. And the last conclusion here
14 is, "Follow the WWGS (What Would Grandma
15 Say) rule."

16 Do you see that?

17 A. Yes.

18 Q. And does the district have an
19 understanding of what's meant by the "what
20 would grandma say" rule?

21 A. What would your -- yes, they
22 do, yes.

23 Q. And what's that
24 understanding?

25 A. What your grandma say if she

CONFIDENTIAL

Page 176

1 saw your post or your activity.

2 Q. So what would grandma say
3 about the photo or video that you're
4 posting to social media?

5 A. Yes.

6 Q. Do you agree that these are
7 all ways in which users of social media can
8 have more positive experiences on social
9 media?

10 A. Yes.

11 Q. Let's turn to another
12 exhibit. This is tab 50.

13 THE EXHIBIT TECH: Five zero?
14 BY MR. KARP:

15 Q. Five zero, yes. We will mark
16 this as Exhibit 11. I'll represent to you
17 that this letter was obtained from the
18 Irvington website, Irvington Public Schools
19 website?

20 A. Yes.

21 - - - - -

22 (Letter dated 12/16/21 on
23 IPS Website marked Vauss Exhibit
24 11 for identification.)

25 - - - - -

CONFIDENTIAL

Page 177

1 BY MR. KARP:

2 Q. Let me know once you've had a
3 chance to look at it. I apologize for the
4 small type, but it's also on the screen if
5 that helps you in larger font.

6 A. No, that's fine. That's
7 fine. Yes, uh-huh.

8 Q. Thank you. This is a letter
9 dated December 16, 2021?

10 A. Uh-huh, yes.

11 Q. And this is -- the letter is
12 signed by you, Dr. April Vauss?

13 A. Yes.

14 Q. As superintendent of schools?

15 A. Yes.

16 Q. And this letter is addressed
17 to the Irvington Public Schools Community?

18 A. Yes.

19 Q. Who would that be?

20 A. That would be staff, parents,
21 community members.

22 Q. You wrote in this letter,
23 There has been an increase in challenges on
24 social media which promote violence against
25 public institutions such as schools."

CONFIDENTIAL

Page 178

1 Do you see that?

2 A. Yes.

3 Q. Okay. What challenges were
4 you referring to in this letter?

5 A. There was a challenge to hit
6 a staff member.

7 Q. You go onto write in this
8 letter, "We take any potential threat
9 against our district with the utmost
10 seriousness, but there is no indication
11 that there is any specific threat to
12 Irvington Public Schools."

13 Do you see that?

14 A. Yes, uh-huh.

15 Q. When you wrote this letter,
16 no Irvington Public Schools staff had been
17 hit in connection with this challenge?

18 A. Yes, no.

19 Q. Did that ever happen in
20 connection with this challenge that you're
21 referring to?

22 A. No, no. We receive guidance
23 from our -- our county-wide superintendent
24 about, about, you know, making sure that we
25 take all the necessary precautions to

CONFIDENTIAL

Page 179

1 address, especially that particular one.

2 Q. A little bit further down in
3 the letter you wrote, "We ask that you
4 provide guidance to your children on the
5 appropriate use of social media, encourage
6 them to seek a trusted adult to speak with
7 about any suspicious activity they see."

8 A. Uh-huh.

9 Q. Do you see that?

10 A. Yes, uh-huh.

11 Q. Do you agree that parents
12 should be providing their children with
13 guidance on the appropriate use of social
14 media?

15 MR. INNES: Objection to form.

16 THE WITNESS: Yes.

17 BY MR. KARP:

18 Q. Other than the letter that
19 we're looking at, has the district sent out
20 letters to the Irvington Public School
21 community about other challenges on social
22 media?

23 A. We've sent out phone blasts
24 alerting parents that these challenges are
25 occurring and that we encourage them to

CONFIDENTIAL

Page 180

1 talk to them and make sure that they don't
2 participate and that, you know, there will
3 be consequences if you, you know,
4 participate in those challenges.

5 Q. What is a phone blast?

6 A. It's a communication with
7 parents that either I record it with my own
8 voice or there is a faux voice that I use
9 to send out messaging to parents. It will
10 go to their home phones, most of the time
11 their cell phones.

12 Q. Are the scripts for those
13 phone blasts written down anywhere?

14 A. Sometimes they are. They're
15 written so that they can be answered or if
16 it's one that I recorded with my own voice,
17 I would have written it down, but after, I
18 would have disposed of it.

19 Q. When is the last time the
20 district did one of these phone blasts
21 regarding a social media challenge?

22 A. It would be around the time
23 where we were made aware of some of these
24 TikTok challenges. Around, I want to
25 say -- I don't know the exact date. I

CONFIDENTIAL

Page 181

1 can't say the exact date. I do know that
2 there was a season where there was a
3 challenge every month, like, vandalize the
4 bathrooms, slap your teacher. And during
5 that time, I sent out a phone blast asking
6 parents and telling scholars, you know, as
7 a conjoined message that they shouldn't
8 participate in these and that there would
9 be consequences.

10 Q. Do you recall the school year
11 that that phone blast would have gone out?

12 A. I believe it was the 21-22
13 school year.

14 Q. And that is the last time the
15 district did one of these phone blasts?

16 A. Regarding a challenge.

17 Q. Regarding a social media
18 challenge?

19 A. Yes, uh-huh.

20 Q. Did you say that in some
21 instances the scripts for these phone
22 blasts would have been thrown out after you
23 recorded?

24 A. Yeah, it would have been me
25 writing down, you know, Good Evening,

CONFIDENTIAL

Page 182

1 Irvington Community, this is Dr. April
2 Vauss, superintendent of schools, and then,
3 you know, to make sure that I hit the
4 points that I want, I would have written
5 some bullet points and then I would have
6 discarded it.

7 Q. The scripts are not saved and
8 compiled in a central location; is that
9 correct?

10 A. Uh-uh, uh-uh.

11 Q. Do you know as Dr. Vauss
12 whether any of these scripts are in your
13 files?

14 A. It's on school messenger, so
15 it would -- you could go to school
16 messenger, I believe it archives messages
17 that were sent before. So it wouldn't be
18 something I would have a paper file of.

19 Q. School messenger archives
20 messages that have been delivered to the
21 Irvington Public School community?

22 A. Yes.

23 Q. Are those messages that have
24 been delivered to the Irvington Public
25 School community orally?

CONFIDENTIAL

Page 183

1 A. What do you mean?

2 Q. Are these --

3 A. All verb --

4 Q. -- recordings --

5 A. -- like, from a human,
6 sometimes they are a scripted message that
7 we want to go out, you know, for example,
8 today is an inclement weather day, we have
9 a delayed opening, so insomuch as that is
10 scripted.

11 Q. Let's look at the bottom of
12 this letter. Do you see just a little bit
13 below your signature --

14 A. Yes.

15 Q. -- there is a statement, "We
16 are all in this together, each one reach
17 one."

18 A. Uh-huh.

19 Q. And then to the right of that
20 there are number of icons, right?

21 A. Yes.

22 Q. The first one is Facebook?

23 A. Yes.

24 Q. The next one is X?

25 A. Yes.

CONFIDENTIAL

Page 184

1 Q. And the third one is an
2 envelope.

3 Do you see that?

4 A. Yes. Now, I think all of
5 those icons, not to say that they wouldn't
6 have been there in 2021, but I don't
7 believe that Twitter was known as X at the
8 time. I think it's because of when you --
9 when you printed this.

10 Q. Do you know one way or
11 another if the Facebook icon listed here
12 refers to a Facebook account held by the
13 Irvington Public School District?

14 A. I'm not sure.

15 Q. Do you know one way or
16 another -- or strike that.

17 Do you know what would
18 happen if an individual visiting this web
19 page for Irvington Public Schools clicked
20 one of these icons at the bottom of the
21 screen?

22 MR. INNES: Objection to form.

23 THE WITNESS: Do I know if --
24 I'm sorry, say that again.

25

CONFIDENTIAL

Page 185

1 BY MR. KARP:

2 Q. Sure. If an individual
3 reading this letter on the Irvington Public
4 Schools website --

5 A. Yes.

6 Q. -- were to click one of these
7 icons, do you know what would happen?

8 A. I know if they hit the email,
9 it would email, I believe, our tech person
10 and so I don't want to guess what would
11 happen if they hit the Facebook link or X.

12 Q. Do you know one way or
13 another whether clicking the Facebook icon
14 would allow a reader to share this letter
15 with others using the Facebook platform?

16 MR. INNES: Objection to form.

17 THE WITNESS: I don't know,
18 but I believe that's why that would
19 be there.

20 BY MR. KARP:

21 Q. So that someone who visited
22 this page should share it with others using
23 Facebook?

24 A. Yes.

25 Q. And similarly with X, someone

CONFIDENTIAL

Page 186

1 clicking that would be able to share this
2 letter over the X platform?

3 A. Yes, as of this date that
4 this was printed.

5 Q. Let's talk a little bit about
6 another subject. Have HSSCs at IPS taught
7 lessons to IPS students regarding social
8 media?

9 MR. INNES: Objection to form.

10 THE WITNESS: I don't believe
11 that they've taught lessons. I
12 believe our school counselors have,
13 are the ones who go into classrooms
14 and teach lessons. If they have
15 taught, it would be in small
16 groups, it wouldn't be in the
17 classroom setting format.

18 BY MR. KARP:

19 Q. So it would be school
20 counselors as opposed to the HSSCs, which
21 as a shorthand I will refer to as social
22 workers?

23 A. Uh-huh.

24 Q. -- who would give these,
25 teach these lessons on social media to IPS

CONFIDENTIAL

Page 187

1 students?

2 MR. INNES: Objection to form.

3 THE WITNESS: I would say that
4 social media may come into the
5 dealings of the social workers and
6 the groups that they conduct. I
7 don't believe that they present
8 lessons exclusively just on social
9 media. Unless a situation arose
10 that found it necessary.

11 BY MR. KARP:

12 Q. I'm handing you tab 20A.

13 A. Thank you.

14 Q. We'll mark this as
15 Exhibit 12.

16 - - - - -

17 (Tip Sheet on Social Media
18 Use and Mental Health Bates
19 BW__Irvington00032486 to 00032487
20 marked Vauss Exhibit 12 for
21 identification.)

22 - - - - -

23 THE VIDEOGRAPHER: Sorry,
24 counsel, could we go off the
25 record? I'm having another tech

CONFIDENTIAL

Page 188

1 issue.

2 MR. KARP: Sure. Go off the
3 record.

4 THE VIDEOGRAPHER: The time
5 right now is 1:16 p.m. We are off
6 the record.

7 - - - - -

8 (Discussion was held off the record.)

9 - - - - -

10 THE VIDEOGRAPHER: The time
11 right now is 1:17 p.m. We're back
12 on the record.

13 BY MR. KARP:

14 Q. Counsel, just -- not
15 counsel -- Dr. Vauss, reset here,
16 Dr. Vauss, we took a brief break to address
17 a tech issue, but now we're back.

18 A. Yes, yes.

19 Q. Just before we took that
20 break, I handed you that document that we
21 are marking as Exhibit 12, the document
22 says, "Tip Sheet on Social Media Use and
23 Mental Health."

24 Do you see that?

25 A. Yes.

CONFIDENTIAL

Page 189

1 Q. Are you familiar with this
2 document?

3 A. No, I am not.

4 Q. Is this a document you
5 reviewed to prepare for today's deposition?

6 A. No, it is not.

7 Q. The statement states, "This
8 resource discusses the benefits of social
9 media and provides tips on how to use
10 social media in to support your mental
11 health."

12 Do you see that?

13 A. Yes.

14 Q. There's a Bates number at the
15 bottom of this document?

16 A. Yes.

17 Q. It's BW__Irvington00032486?

18 A. Yes.

19 Q. Do you understand what the
20 significance is of having a Bates number at
21 the bottom of a document?

22 A. Yes.

23 MR. INNES: Objection.

24 BY MR. KARP:

25 Q. What's your understanding?

CONFIDENTIAL

Page 190

1 A. It's an Irvington product.

2 Q. This is --

3 A. Irvington schools.

4 Q. I didn't mean to cut you off.

5 It's a document that Irvington Public

6 Schools produced --

7 A. Yes.

8 Q. -- in the litigation?

9 A. Yes.

10 Q. This resource that Irvington

11 had refers to tips on how to use social

12 media to promote mental health.

13 Do you see that?

14 A. Yes.

15 MR. INNES: Objection to form.

16 THE WITNESS: I'm sorry.

17 BY MR. KARP:

18 Q. The first section here is

19 called, "Benefits of Social Media."

20 Do you see that?

21 A. Yes.

22 Q. "There are many positives to

23 using social media, including social

24 support, connecting with others in a

25 meaningful way, and seeking out

CONFIDENTIAL

Page 191

1 information."

2 Do you see that?

3 A. Yes.

4 Q. Are those ways that Irvington
5 Public School students use social media?

6 MR. INNES: Objection to form.
7 Calls for speculation.

8 MR. KARP: You can answer.

9 THE WITNESS: Oh, yes. Yes.

10 BY MR. KARP:

11 Q. Yes, it is?

12 A. Yes, uh-huh.

13 Q. Or yes they are rather?

14 Thanks.

15 A. Yes.

16 Q. The tip sheet goes on to say,
17 "Here are some benefits to using social
18 media: By reaching out to like-minded
19 people on social media, you can grow your
20 social support network of peers and find
21 help with making personal decisions and
22 forming opinions."

23 Do you see that?

24 A. Yes.

25 Q. This is something -- this is

CONFIDENTIAL

Page 192

1 information that was shared with Irvington
2 Public School students --

3 A. Yes.

4 Q. -- about how they could use
5 social media to their benefit --

6 MR. INNES: Objection.

7 BY MR. KARP:

8 Q. -- correct?

9 A. Yes.

10 Q. Another benefit that's listed
11 here is, "Connecting with others on social
12 media can help decrease feelings of
13 isolation."

14 Do you see that?

15 A. Yes.

16 Q. Was that an important issue
17 for Irvington Public School students during
18 the pandemic when they were learning
19 virtually from home?

20 A. Was which part, isolation or
21 was -- which part?

22 Q. One of the benefits that's
23 listed here is that connecting with others
24 on social media can help decrease feelings
25 of isolation.

CONFIDENTIAL

Page 193

1 Do you see that?

2 A. Yes, uh-huh.

3 Q. Did Irvington Public School
4 students feel isolated during the COVID-19
5 pandemic when they were home learning
6 virtually?

7 MR. INNES: Objection to form.
8 Outside the scope.

9 THE WITNESS: I would say yes.
10 BY MR. KARP:

11 Q. And one way that feelings of
12 isolation could be counteracted, according
13 to this tip sheet, is to use social media
14 as a means of connecting with others,
15 correct?

16 MR. INNES: Objection to form.
17 Outside the scope.

18 THE WITNESS: Yes.

19 BY MR. KARP:

20 Q. The tip sheet also says that,
21 "Using social media can help you explore
22 your interests and personal identity. It
23 can give you opportunities to try out new
24 hobbies, develop skills and, explore your
25 passions such as artistic, academic, or

CONFIDENTIAL

Page 194

1 advocacy interests."

2 Do you see that?

3 A. Yes.

4 Q. Does the district agree with
5 that?

6 A. Yes.

7 Q. That's what was presented to
8 students?

9 A. Yes.

10 Q. "Social media can help you
11 stay connected with friends who live far
12 away and connect you to new people who
13 share similar interests, while also
14 allowing you to learn from those who have
15 different perspectives."

16 Do you see that?

17 A. Yes.

18 Q. That's what was presented to
19 students?

20 A. Yes.

21 MR. INNES: Objection to form.

22 BY MR. KARP:

23 Q. "Being active on social media
24 can help with developing your personal and
25 professional skills, such as participating

CONFIDENTIAL

Page 195

1 in advocacy and leadership efforts, finding
2 internships and job opportunities, and
3 applying to school."

4 Do you see that?

5 A. Yes, I think it's safe to say
6 that I believe these are ways that you
7 could use social media in a positive way,
8 yes.

9 Q. And this handout goes on to
10 provide tips on healthy social media use.

11 Do you see that?

12 A. Yes.

13 Q. And the handout states,
14 "While there are many positives to social
15 media use, there can also be harmful
16 experiences, such as online bullying,
17 harassment, and feeling inadequate when
18 comparing yourself to the online life of
19 those you follow."

20 Do you see that?

21 A. Yes.

22 Q. So the handout acknowledges
23 that there are some negatives to social
24 media as well, correct?

25 A. Yes.

CONFIDENTIAL

Page 196

1 Q. And then provides tips on how
2 to address those negative aspects.

3 Do you see that?

4 A. Yes, I think, as I recall, I
5 recall this document, and the reality is
6 that the way social media is set up, that
7 students are going to be on there. Our
8 students, we want to promote the ways that
9 it could be positive, however, our issues
10 aren't with the positive uses of social
11 media, our problems are with our students
12 not being as mature to be able to really
13 hone in on all of these positive ways, but
14 the ones that lend themselves to
15 popularity, notoriety, and as an end
16 result, it has resulted in the bullying,
17 the threats, the, you know, using it to
18 show people that, you know, I beat someone
19 up in a fight and then the rippling effects
20 of that have been catastrophic, you know.

21 Even when I'm reading this
22 and one of the things it says, the study,
23 July 11, 2019, from this organization, that
24 was the same year that a young man by the
25 name of Marquise Jenkins was murdered on

CONFIDENTIAL

Page 197

1 Clinton Avenue in Irvington. And he,
2 obviously, the night before, he was using
3 Facebook in a negative way to show others
4 what he had been doing to another group of
5 students in Newark and it was shared, it
6 was liked, and it was terrible because
7 those people --

8 Q. Do you want to take a break?

9 A. No, I'm okay. Those people
10 knew he was going to be in school. They
11 knew he was going to be in school and they
12 knew the way he went home and not only did
13 they murder him in the street, they did it
14 in front of our other children. And it
15 just went on and on and on and they talked
16 about it on social media and I had never
17 experienced anything like that.

18 I sat in this room with the
19 superintendent at the time and we heard
20 about the shooting and we were trying to
21 wait to see to hear if he was going to make
22 it. I don't think he made it from that
23 street. I think he died there, but they
24 took him to the hospital and they declared
25 him dead.

CONFIDENTIAL

Page 198

1 And it was because, you
2 know, he got on there the night before
3 bragging out trying to hurt other people.
4 And I think that if he had known that by
5 doing that that he would lose his life the
6 next day, he wouldn't have done it and they
7 depend on us to try to give them guidance.
8 I don't know what his parents' guidance was
9 in his life. I don't know. I don't know.
10 But it's hard. It's hard, because he -- if
11 he was alive today, he would be 24 years
12 old. He would be 24 years old if he was
13 alive today. And, you know, you know, I
14 just wish that he had known, I wish he had
15 known, I wish we would have known better at
16 that time. I wish his parents had been
17 someone who would have known that, you
18 know, him putting this on social media
19 would have resulted in the ending of his
20 life. I wish, but that's, that's not the
21 reality.

22 Q. Thank you for sharing that
23 and that is an absolutely terrible and
24 tragic incident and I'm very sorry that you
25 experienced that and that the district

CONFIDENTIAL

Page 199

1 experienced that. I'm very, very sorry.

2 MR. INNES: I don't know if
3 you asked another question, but I
4 was going to ask if you want to
5 take a break.

6 MR. KARP: Yeah, let's take a
7 break.

8 THE WITNESS: Yeah.

9 MR. KARP: Thank you,
10 Dr. Vauss.

11 THE WITNESS: The time right
12 now is 1:28 p.m. We are off the
13 record.

14 - - - - -

15 (A recess was taken at this time.)

16 - - - - -

17 THE VIDEOGRAPHER: The time
18 right now is 1:39 p.m. We're back
19 on the record.

20 BY MR. KARP:

21 Q. Dr. Vauss, welcome back.
22 Thank you again for sharing that really
23 terrible story and I just want to reiterate
24 that it is incredibly sad for that
25 individual and for his family and for the

CONFIDENTIAL

Page 200

1 entire community and I'm very sorry that
2 that happened.

3 A. I just wish we had known more
4 about the dangers and what would happen, I
5 wish we had of and maybe he would be alive.

6 Q. I have a few questions about
7 what happened.

8 A. Uh-huh.

9 Q. If at any time you need to
10 take another break, just let me know, as I
11 mentioned to you before.

12 You mentioned that this
13 individual had posted to Facebook the night
14 before this incident occurred?

15 A. The group that he was with,
16 uh-huh. I don't know -- I don't know that
17 he -- he may have himself personally
18 posted, but he was on a post and he was
19 bragging and talking about what had
20 happened.

21 Q. I see.

22 A. Yes.

23 Q. You mentioned Facebook --

24 A. Yes.

25 Q. -- as the platform where that

CONFIDENTIAL

Page 201

1 post was made?

2 A. Yes.

3 Q. Did you view the post that
4 you referred to before?

5 A. No, I didn't --

6 MR. INNES: Objection,
7 objection to form. I'm just going
8 to say that I would like to keep
9 it, keep this tight.

10 MR. KARP: I will.

11 MR. INNES: All right.

12 MR. KARP: Thank you. I was
13 simply asking if you had seen the
14 post.

15 THE WITNESS: No, I had not.
16 I have not.

17 BY MR. KARP:

18 Q. And, very simply, my question
19 is what is your understanding -- or strike
20 that.

21 Do you know specifically
22 that it was Facebook as opposed to another
23 platform where this video had been posted?

24 MR. INNES: Objection to form.
25 Asked and answered. The witness

CONFIDENTIAL

Page 202

1 has testified at length about this.
2 If Facebook has any reason to
3 believe that it wasn't posted to
4 their page, they're free to say so.

5 MR. KARP: I'm simply asking a
6 question and we can move on to
7 another related issue. But my
8 question stands, if that was the
9 specific platform at issue for this
10 incident.

11 MR. INNES: Same objection.

12 MR. KARP: You can answer.

13 THE WITNESS: Yes.

14 BY MR. KARP:

15 Q. Does the district have an
16 understanding of whether this individual's
17 death was somehow related to gang violence?

18 MR. INNES: Objection to form.

19 THE WITNESS: I'm not sure.

20 BY MR. KARP:

21 Q. Does the district know if
22 this -- strike that.

23 Was this incident
24 investigated?

25 MR. INNES: Objection to form.

CONFIDENTIAL

Page 203

1 Investigated by whom?

2 THE WITNESS: Yes.

3 BY MR. KARP:

4 Q. I can rephrase and be more
5 specific.

6 A. Please.

7 Q. Did law enforcement
8 investigate this, this killing?

9 A. Yes.

10 Q. Do you know what was learned
11 from that investigation?

12 MR. INNES: Objection to form.

13 THE WITNESS: That there had
14 been a video placed on Facebook as
15 it relates to this incident.

16 BY MR. KARP:

17 Q. Do you know if the person or
18 group of people who killed this young man
19 were ever caught?

20 A. That, I don't know.

21 Q. Do you know if anyone was
22 ever convicted for this crime?

23 MR. INNES: Objection to form.

24 THE WITNESS: I'm not sure.

25

CONFIDENTIAL

Page 204

1 BY MR. KARP:

2 Q. We can -- we can move on
3 and --

4 MR. INNES: No, they're your
5 questions. You can ask these
6 questions, I mean, the idea that a
7 murder might not be investigated is
8 beyond me, but go ahead.

9 BY MR. KARP:

10 Q. Well, I'm trying to
11 understand what the district knows and my
12 understanding of your testimony is the
13 district is not aware of whether or not
14 someone was ultimately convicted for this
15 crime; is that right?

16 A. That's correct.

17 Q. Okay. You testified that the
18 incident took place in front of one of the
19 schools at IPS?

20 A. It didn't happen in front of
21 the school.

22 Q. Okay.

23 A. It happened as the young man
24 was on his way home from school. It
25 happened on Clinton Avenue and the school

CONFIDENTIAL

Page 205

1 is on Clinton Avenue, but it didn't happen
2 in front of the school.

3 Q. You might have said that it
4 happened in front of IPS students?

5 A. Yes.

6 Q. And I apologize, that's what
7 I was misremembering.

8 Was this a traumatic
9 incident for the Irvington Public School
10 community?

11 A. Yes.

12 Q. It has caused trauma that
13 still lingers today, correct?

14 A. Yes. I don't know if the
15 population of students who were there
16 before are not there anymore, but those of
17 us who are aware of the incident, yes.

18 Q. And for the time -- and for
19 the students at that time, correct?

20 A. Yes.

21 Q. Thank you, Dr. Vauss. I
22 appreciate it.

23 We're going to shift gears a
24 bit and move on to the district's policies
25 on technology.

CONFIDENTIAL

Page 206

1 A. Okay.

2 Q. I'm handing you tab three.

3 We will mark this as Exhibit 13. This is
4 the Irvington public school Student Code of
5 Conduct for the 2024-2025 school year.

6 A. Yes.

7 Q. Do you see that?

8 A. Yes, yes.

9 - - - - -

10 (2024-2025 Student Code of
11 Conduct Bates
12 BW__Irvington00629350 to 00629430
13 marked Vauss Exhibit 13 for
14 identification.)

15 - - - - -

16 BY MR. KARP:

17 Q. Have you seen this document
18 before?

19 A. Yes.

20 Q. What is this document?

21 A. It's our code of conduct for
22 our scholars in the district.

23 Q. And it sets out policies that
24 apply district-wide?

25 A. Yes.

CONFIDENTIAL

Page 207

1 Q. And this particular version
2 of the Student Code of Conduct was approved
3 by the board on August 21, 2024?

4 A. Yes.

5 Q. Let's turn to the page ending
6 in 376.

7 MR. INNES: So just -- just
8 for the record, is this one of your
9 excerpt type exhibits or is it --

10 MR. KARP: It is, as I'm
11 realizing by the gaps in the Bates
12 numbers.

13 MR. INNES: Okay.

14 BY MR. KARP:

15 Q. We have a complete version of
16 the Student Code of Conduct for you to
17 review if there's anything else in here
18 that you would like to see. What you're
19 looking at is an excerpt of it with certain
20 pages that we'll be focusing on.

21 A. Okay.

22 Q. If at any point in time you
23 want this, just let me know, it's just one
24 of the tabs?

25 MR. INNES: But you're marking

CONFIDENTIAL

Page 208

1 that as an exhibit or you're
2 marking this as an exhibit?

3 MR. KARP: For clarity of the
4 record, we'll mark the full
5 Irvington Public Schools Student
6 Code of Conduct for 2024-2025 as
7 Exhibit 13.

8 MR. INNES: Okay. Then I
9 think it's more proper if we give
10 the witness the full exhibit.

11 MR. KARP: Sure. It's tab
12 three on your system.

13 MR. INNES: It sounds like
14 they're going to ask you questions
15 about a particular piece of this,
16 but if you need to review the
17 document, please do so.

18 THE WITNESS: Okay.

19 BY MR. KARP:

20 Q. So I wanted to draw your
21 attention to page 28, which is the Bates
22 ending in 376.

23 A. Okay. Okay.

24 Q. At the top of this page, the
25 document reads, "Use of Technology."

CONFIDENTIAL

Page 209

1 Do you see that?

2 A. Yes.

3 Q. And just below that,
4 "Guidelines for the Use of Technology"?

5 A. Yes.

6 Q. Is this the district's policy
7 with respect to technology use at IPS?

8 A. Yes.

9 Q. Other than this policy that
10 is set out here in the Student Code of
11 Conduct, does the district have other
12 policies regarding the use of technology at
13 IPS?

14 A. Other than this, this
15 category, this paragraph, we have these in
16 our -- we have a full embodiment of
17 policies in our -- on our website.

18 Q. And is that just -- are you
19 saying that the policies listed here and
20 described here are also available on the
21 Irvington Public Schools website?

22 A. Yes.

23 Q. Is that what you're saying?

24 A. Uh-huh. Yes, I'm sorry, yes.

25 Q. Thank you. At the bottom of

CONFIDENTIAL

Page 210

1 the first paragraph on this page, the
2 Student Code of Conduct says, "the
3 following conduct is prohibited while using
4 the school system network, accessing the
5 school system network from home, or while
6 involved in situations --"

7 A. Wait, just pause you, I'm
8 sorry.

9 Q. Of course.

10 A. Where are you reading from
11 again?

12 Q. Bottom of the first
13 paragraph.

14 A. Oh, you know what, I'll just
15 look on the screen, okay, for right now.
16 Okay. I'm ready, sorry.

17 Q. "The following conduct is
18 prohibited while using the school system
19 network, accessing the school system
20 network from home, or while involved in
21 situations which this code has
22 jurisdiction -- in situations which this
23 code has jurisdiction."

24 Do you see that?

25 A. Yes.

CONFIDENTIAL

Page 211

1 Q. And then it goes on to say
2 that "students shall not," and there's a
3 list that follows.

4 Do you see that?

5 A. Yes.

6 Q. The second bullet is,
7 "Students shall not access social
8 networking sites or chat lines or enter
9 chat rooms that are not part of a class
10 activity under the supervision of a teacher
11 or other school personnel."

12 Do you see that?

13 A. Yes.

14 Q. And I read that correctly?

15 A. Yes.

16 Q. The last item in this list is
17 students shall not use email or text --
18 excuse me, let me start that over. Strike
19 that.

20 The last item in this list
21 is, "students shall not use email or text
22 messaging or web postings on social
23 networking sites to promote the annoyance,
24 harassment, intimidation, bullying or
25 attack of others."

CONFIDENTIAL

Page 212

1 Do you see that?

2 A. Yes.

3 Q. These are policies that
4 Irvington Public Schools has for all of its
5 students, correct?

6 A. Yes.

7 Q. Have these policies changed
8 in any meaningful way in the last ten
9 years?

10 A. How would you define
11 meaningful?

12 Q. Have there been any
13 significant changes to these policies in
14 the last ten years?

15 A. No.

16 Q. How does IPS enforce these
17 policies?

18 A. Well, there are various ways
19 that these are enforced, one, if activity
20 has been monitored, whether in realtime or
21 through observation by our tech coaches, if
22 they see activity on GoGuardian, or any of
23 the -- if we notice firewall violations, or
24 if we notice -- or there are complaints
25 from students, teachers, staff regarding

CONFIDENTIAL

Page 213

1 the use of these, these unallowable uses by
2 our students, then there are levels of
3 consequences.

4 Q. Let's turn the page to
5 prohibited items. And I apologize, turn
6 the page in the excerpt, this is page 32 of
7 the Student Code of Conduct Bates ending in
8 380.

9 A. Yes, uh-huh.

10 Q. Is this the district's policy
11 on prohibited items?

12 A. Yes.

13 Q. If you look at the bolded
14 text after the asterisk?

15 A. Uh-huh, yes.

16 Q. The policy states, "We
17 understand that cell phones are prevalent
18 in today's society; if students bring cell
19 phones to school they should be concealed
20 and turned off. If any staff member sees
21 or hears a cell phone the phone will
22 immediately be taken away and given to an
23 administrator. Parent may be required to
24 pick it up."

25 Do you see that?

CONFIDENTIAL

Page 214

1 A. Yes.

2 Q. Is that the district's
3 policy?

4 A. Yes.

5 Q. Approximately how many
6 phones, in the 24-25 school year,
7 approximately how many phones have been
8 confiscated from students who are in
9 violation of this policy?

10 MR. INNES: Objection to form.
11 Outside the scope.

12 THE WITNESS: I don't have a
13 number.

14 BY MR. KARP:

15 Q. Do you have that number for
16 any school year in the last ten years?

17 MR. INNES: Objection to form.
18 Outside the scope.

19 THE WITNESS: No, I don't.

20 BY MR. KARP:

21 Q. We talked earlier about when
22 students are and are not permitted to have
23 their phones out at school.

24 A. Uh-huh.

25 Q. I believe you mentioned

CONFIDENTIAL

Page 215

1 before school as one example when they can
2 have their phones out?

3 A. Before school, yes.

4 Q. So if they're standing
5 outside the building or in the building
6 before classes start for the day, they can
7 have their phones out?

8 A. Yes.

9 Q. You also mentioned lunch
10 periods.

11 A. I did.

12 Q. Students can use their phones
13 during their lunch periods?

14 A. Yes.

15 Q. And then after school, even
16 if a student is still in the building or on
17 IPS property, they can use their cell
18 phones?

19 A. Yes, I think I said we
20 dissuade them to use it if they're in an
21 organized activity after school.

22 Q. When you say, "dissuade them
23 from using it," do you mean that it's not
24 permitted or they're discouraged from using
25 it?

CONFIDENTIAL

Page 216

1 A. No, it would have the same
2 type of consequences if we see them, if
3 they're supposed to be in, we have a group
4 called Pretty Pearls of Promise. If
5 they're on their phones, we would ask them,
6 one, to put it away, and then if they,
7 probably in that particular scenario, if
8 they continued to use it and not pay
9 attention to the activity then we probably
10 would ask them to leave the activity. The
11 consequences of suspension and all of those
12 wouldn't apply to a club.

13 Q. Did you say would not apply?

14 A. Would not apply to a club,
15 because they would be asked to be dismissed
16 from.

17 Q. So is a student and an IPS
18 student at soccer practice, for example,
19 you know, for the high school soccer team,
20 would not be permitted to have his phone
21 out during practice?

22 A. Yes.

23 Q. And if he were found to have
24 his phone out during practice, he would be
25 told to put it away?

CONFIDENTIAL

Page 217

1 A. Yes.

2 Q. And if he did not comply, he
3 would be asked to leave the activity or
4 leave the practice?

5 A. Yes.

6 MR. INNES: Objection to form.
7 Calls for speculation.

8 BY MR. KARP:

9 Q. But there wouldn't be the
10 same consequences around suspension that
11 would apply during the school day is your
12 testimony?

13 A. Yes.

14 Q. During the school day, are
15 students permitted to use their cellular
16 devices in between class periods?

17 A. No.

18 Q. So if they're in the hall
19 moving from one class to another, they
20 would not be permitted to have their cell
21 phone out?

22 A. They wouldn't be permitted.
23 They would be asked to put it away, if it
24 was seen -- if they were in violation of
25 the policy, they would be told you're in

CONFIDENTIAL

Page 218

1 violation of the policy and they would be
2 expected to get into compliance with the
3 policy.

4 Q. Is the -- is that the general
5 practice of IPS to first ask students to
6 stop using their phones and put them away
7 before attempting to confiscate them?

8 MR. INNES: Objection to form.

9 THE WITNESS: I would say,
10 yes.

11 BY MR. KARP:

12 Q. Do students in Irvington
13 Public Schools take buses to get to school?

14 MR. INNES: Objection to form.

15 BY MR. KARP:

16 Q. Let me ask a different
17 question. Does Irvington Public Schools
18 provide school buses to get students to
19 school?

20 MR. INNES: Objection to form.

21 Outside the scope.

22 THE WITNESS: To some of our
23 students.

24 BY MR. KARP:

25 Q. And the only distinction I'm

CONFIDENTIAL

Page 219

1 making is between a New Jersey Transit bus
2 or a public bus versus a district bus. Do
3 you understand?

4 A. Yes, uh-huh.

5 Q. And you said that some
6 students at IPS take district buses --

7 A. Yes.

8 Q. -- to get to school?

9 A. Yes.

10 Q. Are cell phones allowed --
11 can IPS students use their cell phones
12 while they're on the bus going to school?

13 A. I would say I'm not sure that
14 that is something that we've considered,
15 because the students normally who take the
16 bus are students with learning
17 difficulties, usually severe ones. I don't
18 know that that is an issue, but I would
19 imagine riding the bus is similar to
20 walking to school, so while on the bus,
21 they would be permitted to.

22 Q. Are students -- are IPS
23 students with learning difficulties the
24 only -- is that the only group of students
25 at IPS who would take a district bus to get

CONFIDENTIAL

Page 220

1 to school?

2 A. No, we have another group of
3 students who belong to our STEAM Academy
4 and they're picked up at one spot in front
5 of Irvington High School and taken to the
6 academy.

7 Q. Do you know if those students
8 are permitted to use their cell phones on
9 the bus?

10 A. Yes.

11 Q. They are?

12 A. It's similar to walking to
13 school.

14 Q. When asked about cell phone
15 usage originally, you said, "I would say
16 I'm not sure that is something we've
17 considered because the students normally
18 who take the bus are students with learning
19 difficulties, usually severe ones," is
20 that --

21 A. I think I said that, yes, I
22 just said that, right?

23 Q. Yes, I'm just confirming you
24 said that.

25 A. Okay. I didn't know if you

CONFIDENTIAL

Page 221

1 were talking about sometime before or right
2 now. Yes.

3 Q. Right now, just a few minutes
4 ago.

5 A. Yes.

6 Q. And my question is, is it the
7 district's understanding that those
8 students do not use cell phones?

9 A. No, it's not my
10 understanding. If I were to explain my
11 thinking, it was -- are they really in
12 possession of phones, the students that
13 have to take buses? And then I thought
14 about the varying degrees of learning
15 difficulties that the students have who
16 ride a bus and then that's why I said, gave
17 the answer I gave.

18 Q. That it wasn't an issue you
19 would consider?

20 A. Yes.

21 Q. That the district would
22 consider?

23 A. Yes.

24 Q. Let's look at page 51 of the
25 Student Code of Conduct, which appears on

CONFIDENTIAL

Page 222

1 Bates ending in 399. At the top, the
2 document states, "Irvington Board of
3 Education Student Personal Electronic
4 Recording Device Policy."

5 A. Yes.

6 Q. Do you see that?

7 A. Yes.

8 Q. Is this the district's policy
9 on student personal electronic recording
10 devices?

11 A. I'm just reading through the
12 whole document, if you don't mind.

13 Q. Sure.

14 A. Yes.

15 Q. Section II here refers to
16 unauthorized use.

17 Do you see that?

18 A. Yes.

19 Q. "Unauthorized use of personal
20 electronic recording twice may include but
21 not limited to the following."

22 Do you see that?

23 A. Yes.

24 Q. And the first item listing
25 is, "Possessing, recording, sending video

CONFIDENTIAL

Page 223

1 or audio information having sexual,
2 violent, bullying, or threatening content
3 on school grounds, school events, or school
4 buses will be prohibited and may result in
5 disciplinary action, up to and including
6 suspension and expulsion."

7 Do you see that?

8 A. Yes.

9 Q. Remember earlier I asked a
10 question about whether the act of taking
11 videos, regardless of whether they were
12 posted to social media, could be in
13 violation of the Student Code of Conduct?

14 A. Yes.

15 Q. Does this refresh your memory
16 that recording videos regardless of where
17 they're posted or where they end up could
18 violate the Student Code of Conduct for
19 IPS?

20 A. Yes, but we have a network
21 and imaging policy that every scholar takes
22 home. So, in short, yes, it does encompass
23 what you just asked, but that's a policy
24 that applies just to everyone. So that
25 would be in keeping with having it here.

CONFIDENTIAL

Page 224

1 Q. I understand. Thank you.

2 A. Yes.

3 Q. Let's look at page 66, which
4 is Bates ending in 414. Is this the
5 district's policy on levels of disciplinary
6 consequences?

7 A. Let me just read through the
8 document --

9 Q. Yeah, sure.

10 A. -- real quick.

11 MR. INNES: What topic are we
12 on?

13 THE WITNESS: Okay. Can I
14 have your question again, I'm
15 sorry?

16 MR. INNES: Before we proceed,
17 I would like to know what topic
18 Mr. Karp is asking questions about.

19 THE WITNESS: Okay. Sorry.

20 MR. KARP: This is topic six,
21 district-wide policies, procedures,
22 and factors regarding Defendants'
23 platforms and then it goes on to
24 include some other categories.
25 Also topics 11, 13, and 14.

CONFIDENTIAL

Page 225

1 Dr. Vauss, my question was
2 simply if this is the district's
3 policy on the levels of
4 disciplinary consequences?

5 THE WITNESS: Yes.

6 BY MR. KARP:

7 Q. And it refers to four levels
8 of disciplinary consequences?

9 A. Yes.

10 Q. Level 1 being the least
11 serious and level 1 being the most serious;
12 is that fair?

13 A. Yes.

14 Q. Level 1 is an administrative
15 conference?

16 A. Yes.

17 Q. Level 2 includes
18 conferencing, detention, in-school
19 suspension, a letter home, or other
20 disciplinary remedies?

21 A. Home for parent, meaning you
22 have to come back to school with a parent,
23 but yes.

24 Q. Thank you for clarifying.
25 Level 3 is an out-of-school suspension?

CONFIDENTIAL

Page 226

1 A. Yes.

2 Q. And level 4 is a mandatory
3 ten-day suspension and an assessment for
4 whether there needs to be programmatic
5 modifications or an expulsion of the
6 student?

7 A. Yes.

8 Q. What level of disciplinary
9 consequences applies to a student who has
10 his or her phone out during the school day?

11 A. I think it would be a level
12 1.

13 Q. Okay. I'm going to hand you
14 tab four, which we will mark as Exhibit 14.

15 A. Yes.

16 - - - - -

17 (Email dated 6/11/21 Bates
18 BW__Irvington00161074 marked
19 Vauss Exhibit 14 for
20 identification.)

21 - - - - -

22 BY MR. KARP:

23 Q. Do you see this document?

24 A. Yes, I do.

25 Q. This email was sent from

CONFIDENTIAL

Page 227

1 Farrah Irving to you, Dr. April Vauss, on
2 February 2021.

3 Do you see that?

4 A. Yes.

5 Q. The subject is sexual abuse
6 policy/training?

7 A. Yes.

8 Q. And Ms. Irving attaches a
9 document called, "Communication Policy."

10 Do you see that?

11 A. Yes.

12 Q. I'm handing you tab 4A.

13 A. Thank you.

14 Q. We'll mark this as
15 Exhibit 15.

16 - - - - -

17 (Policy 3283 on Electronic
18 Communication Between Teaching
19 Staff Members and Students Bates
20 BW__Irvington00161075 to 00161079
21 marked Vauss Exhibit 15 for
22 identification.)

23 - - - - -

24 BY MR. KARP:

25 Q. I'll represent to you that

CONFIDENTIAL

Page 228

1 this is the attachment to the email that we
2 were just reviewing.

3 A. Yes.

4 Q. You can also tell because
5 it's the next Bates number sequentially.
6 Have you seen this document before?

7 A. Yes.

8 Q. It says, "Policy," at the top
9 and Irvington Board of Education?

10 A. Yes.

11 Q. And also at the top, this
12 document says, "3283 - Electronic
13 Communications Between Teaching Staff
14 Members and Students."

15 Do you see that?

16 A. Yes.

17 Q. Is this the district's policy
18 on communications between staff and
19 students?

20 A. Yes.

21 Q. And the policy states, "The
22 Board of Education recognizes electronic
23 communications and the use of social media
24 outlets create new options for extending
25 and enhancing the educational program of

CONFIDENTIAL

Page 229

1 the school district."

2 Do you see that?

3 A. Yes.

4 Q. "Electronic communications
5 and the use of social media can help
6 students and teaching staff members
7 communicate regarding: Questions during
8 nonschool hours regarding homework or other
9 assignments; scheduling issues for
10 school-related cocurricular and
11 interscholastic activities; schoolwork to
12 be completed during a student's extended
13 absence; distance learning opportunities;
14 and other professional communications that
15 can enhance teaching and learning
16 opportunities between teaching staff
17 members and students."

18 Do you see that?

19 A. Yes.

20 Q. "However, the Board of
21 Education recognizes teaching staff members
22 can be vulnerable in electronic
23 communications with students."

24 Do you see that?

25 A. Yes.

CONFIDENTIAL

Page 230

1 Q. This is a policy intended
2 to -- to help staff be careful about the
3 ways that they interact with students
4 electronically?

5 A. Yes.

6 Q. Do you agree with the
7 statements in this -- as the district, do
8 you agree with the statements written in
9 this first paragraph?

10 A. Yes.

11 Q. Is this still the policy of
12 Irvington Public Schools?

13 A. Yes.

14 Q. We can put this to the side.
15 I'm handing you tab five, which we'll mark
16 as Exhibit 16.

17 - - - - -

18 (School Safety Data System
19 2023-24 Incidents Bates
20 BW__Irvington00673652 to 00673661
21 marked Vauss Exhibit 16 for
22 identification.)

23 - - - - -

24 BY MR. KARP:

25 Q. In the top left, this

CONFIDENTIAL

Page 231

1 document says, "New Jersey Department of
2 Education" and the document is titled
3 "Student Safety Data System."

4 A. Yes.

5 Q. Do you see that?

6 A. Yes.

7 Q. Are you familiar with this
8 document?

9 A. I am.

10 Q. What is this document?

11 A. This is our student safety
12 data system we have to share with the New
13 Jersey Department of Education based on
14 incidents of violence and vandalism.

15 Q. And this particular document
16 or report refers to incidents from
17 2023-2024?

18 A. Yes.

19 Q. Is this a document that the
20 district prepares or is this prepared by
21 the department of education?

22 A. You mean, did we come up with
23 a format or -- no, this is something that
24 is given to us and we have to fill it out
25 online.

CONFIDENTIAL

Page 232

1 Q. So the department of
2 education asks the district to supply it
3 with information?

4 A. Yes.

5 Q. Do you have any reason to --
6 as the district, do you have any reason to
7 dispute the accuracy of the information
8 that's contained in this document?

9 A. No.

10 Q. Let's look at Bates ending in
11 652, which is the very first page. You'll
12 see on this page. There are three
13 sections, report period one, report period
14 two, and 2023-2024 school year?

15 A. Yes.

16 Q. Do you see that?

17 A. Yes.

18 Q. What's meant by report period
19 one and report period two?

20 A. So it would be the first
21 quadrant of reporting deadline, I'm not
22 sure of the exact deadline, and then there
23 would be a second one, and then for the
24 total school year.

25 Q. Thank you.

CONFIDENTIAL

Page 233

1 A. You're welcome.

2 Q. Let's focus on the third
3 section called 2023-2024 school year.

4 A. Yeah.

5 Q. And the top row listed there
6 is Irvington High School.

7 Do you see that?

8 A. Yes.

9 Q. Below Irvington High School
10 is other IPS schools in the district?

11 A. Yes.

12 Q. Including middle schools and
13 high schools, correct?

14 A. Yes.

15 Q. If we look at the first
16 column called, "Incident Total"?

17 A. Yes.

18 Q. The total number of
19 incidents, student safety incidents listed
20 here is 269.

21 Do you see that?

22 A. Yes, I do.

23 Q. And if we look just to the
24 right, we see that the number of
25 incidents -- the number of those incidents

CONFIDENTIAL

Page 234

1 involving violence was 75?

2 A. Yes.

3 Q. The number of those incidents
4 involving vandalism was 18?

5 A. Yes.

6 Q. The number of incidents
7 involving substances -- substances was 157?

8 A. Yes.

9 Q. And the number of incidents
10 involving weapons was 21.

11 Do you see that?

12 A. Yes.

13 Q. There is a column here for
14 other incidents leading to removal.

15 Do you see that?

16 A. Yes.

17 Q. Do you know what other
18 incidents would fall into this category?

19 A. Other infractions, school
20 infractions, other incidents.

21 Q. Do you know what is meant by
22 "removal," as that word is used here?

23 A. Suspension, suspension. I
24 mean as a general term, suspension,
25 expulsion.

CONFIDENTIAL

Page 235

1 Q. And would that be in-school
2 suspension, out-of-school suspension, or
3 you're not making a distinction between
4 those two?

5 A. I'm not making a distinction.

6 Q. You mentioned earlier that if
7 a student's phone were confiscated, that
8 would be a level 1 disciplinary
9 consequence, correct?

10 A. Yes.

11 Q. And that would be an
12 administrative conference?

13 A. Yes.

14 Q. A student would not be
15 removed or suspended because the student
16 had his or her phone out, correct?

17 A. That's correct.

18 Q. Okay. So if we add up the
19 total incidents and the other incidents
20 leading to removal, the total -- strike
21 that.

22 Looking specifically at the
23 incident total and the other incidents
24 leading to removal, the sum of those is 767
25 incidents for the 2023-2024 school year; is

CONFIDENTIAL

Page 236

1 that right?

2 MR. INNES: Objection to form.

3 THE WITNESS: Yes.

4 BY MR. KARP:

5 Q. All of those incidents would
6 have led to removal?

7 A. I'm sorry, say that again.

8 Q. All of those incidents would
9 have led to removal?

10 A. For a suspension, yes, or
11 expulsion. Although, you know, we didn't
12 have any expulsions that school year.

13 Q. Let's turn the page to Bates
14 ending in 653. This page provides a little
15 bit more detail about the incidents that
16 took place at Irvington High School in
17 particular.

18 Do you see that?

19 A. Yes.

20 Q. It shows a little bit more
21 detail and a breakdown of the types of
22 incidents that were at issue, correct?

23 A. Yes, uh-huh.

24 Q. What is covered by the
25 vandalism incident listed here?

CONFIDENTIAL

Page 237

1 MR. INNES: Objection to form.

2 THE WITNESS: Are you
3 referring to the page you had me
4 turn to?

5 BY MR. KARP:

6 Q. Yes, the page ending in 653.

7 A. Okay. And your question is
8 what does vandalism refer to? Can you ask
9 your question again?

10 Q. Sure. You know what, I'm
11 just going to ask a different question
12 altogether.

13 A. Okay.

14 Q. Under vandalism, there is an
15 incident type called damage to property.

16 Do you see that?

17 A. Yes.

18 Q. And if you look over to the
19 right, the total number of incidents for
20 damage to property as a result of vandalism
21 is two for reporting period one, and zero
22 for reporting period two.

23 Do you see that?

24 A. Yes, I do.

25 Q. And the number of yearly

CONFIDENTIAL

Page 238

1 incidents is two, correct?

2 A. Yes.

3 Q. Okay. So in -- for the
4 2023-2024 school year, the New Jersey
5 Department of Education reported that there
6 were only two instances or incidents of
7 vandalism involving damage to property --

8 A. Yes.

9 Q. -- at the high school? Does
10 the district have any understanding of
11 whether those particular incidents involved
12 social media?

13 A. We don't.

14 Q. Let's take a look at another
15 document which is tab seven.

16 A. Thank you.

17 Q. We'll mark this as
18 Exhibit 17.

19 - - - - -

20 (Student Safety Data System
21 2017-18 Incidents Bates
22 BW__Irvington00673582 to 00673596
23 marked Vauss Exhibit 17 for
24 identification.)

25 - - - - -

CONFIDENTIAL

Page 239

1 BY MR. KARP:

2 Q. This is another report from
3 the student safety data system and the
4 report says department of education for the
5 state of New Jersey in the top left.

6 Do you see that?

7 A. Yes.

8 Q. Is this the same type of
9 student safety data report that we just
10 looked at, but in this instance, it's for
11 the 2017-2018 school year?

12 A. Yes.

13 Q. Let's focus on the bottom of
14 the page with the data -- bottom of the
15 first page with the data for -- strike
16 that. Sorry.

17 Let's look at the bottom of
18 the page, specifically the section for the
19 2017-2018 school year.

20 Do you see that?

21 A. Yes.

22 Q. Okay. The incident total for
23 all schools at IPS is 109.

24 Do you see that?

25 A. Yes.

CONFIDENTIAL

Page 240

1 Q. And if we move to the right,
2 other incidents leading to removal?

3 A. Yes.

4 Q. That number is 1,285.

5 Do you see that?

6 A. I do, yes.

7 Q. If we add those together, we
8 get 1,394 student safety incidents for the
9 2017-2018 school year in Irvington Public
10 Schools?

11 A. Yes.

12 Q. And all of these incidents
13 would have led to either a suspension or an
14 expulsion?

15 A. Yes.

16 Q. The number of violent
17 incidents in this school year was 77.

18 Do you see that?

19 A. Yes.

20 Q. Do you recall what that
21 number was for the 2023-2024 school year?

22 A. Seventy-five.

23 Q. Let's turn the page in
24 Exhibit 17, which is the 2017-2018 data.
25 My apologies, I'm going in the wrong

CONFIDENTIAL

Page 241

1 direction, my fault.

2 Let's stay on the first page
3 of Exhibit 17. There are 11 incidents of
4 vandalism listed.

5 A. Yes.

6 Q. Okay. Eleven instances
7 involving substance abuse, or excuse me,
8 involving substances?

9 A. Yes.

10 Q. Ten instances involve --
11 incidents involving weapons?

12 A. Yes.

13 Q. The number for substances in
14 2017-2018 is 11 and the number of
15 substances -- substance-related incidents
16 for the 2023-2024 school year is 157.

17 Do you see that?

18 A. I do.

19 Q. Does the district have an
20 understanding of that jump from 11 to 157?

21 A. Is your question do we see
22 the jump?

23 Q. Do you have an understanding
24 of why that jump occurred?

25 MR. INNES: Objection to form.

CONFIDENTIAL

Page 242

1 Outside the scope.

2 THE WITNESS: There are a
3 myriad of reasons why it would have
4 jumped. That would be conjecture
5 on my part to say why the substance
6 level, I might say because -- well,
7 I won't.

8 BY MR. KARP:

9 Q. You said it would be
10 conjecture?

11 A. Yes, it would be.

12 MR. KARP: Can we take a brief
13 break? We have been going for a
14 bit.

15 THE VIDEOGRAPHER: The time
16 right now is 2:29 p.m. We're off
17 the record.

18 - - - - -

19 (A recess was taken at this time.)

20 - - - - -

21 THE VIDEOGRAPHER: The time
22 right now is 2:52 p.m. We're back
23 on the record.

24 BY MR. KARP:

25 Q. Dr. Vauss, welcome back.

CONFIDENTIAL

Page 243

1 A. Thank you.

2 Q. Is it the district's position
3 that social media -- or strike that. The
4 district's position in this case is that
5 social media has had a negative impact on
6 the mental health of IPS students, correct?

7 A. Yes.

8 Q. Is it also IPS's position
9 that nothing other than social media has
10 had a negative impact on IPS student mental
11 health?

12 A. No, I wouldn't say that.

13 Q. The district would agree that
14 there are many contributing factors to an
15 IPS student's mental health, correct?

16 A. Yes.

17 Q. Does financial insecurity
18 have a negative effect on IPS student
19 mental health?

20 MR. INNES: Objection to form.

21 THE WITNESS: I would say,
22 meaning that if they're poor, if
23 that has a negative effect on our
24 scholars?

25

CONFIDENTIAL

Page 244

1 BY MR. KARP:

2 Q. Correct.

3 A. I would say inasmuch as that
4 they know that they are poor, then yes.

5 Q. And I think I was using
6 financial insecurity a little bit more
7 broadly --

8 A. Okay.

9 Q. -- to mean that there are
10 varying levels of economic disadvantage and
11 the insecurity that a student might feel
12 about his or her finances or family's
13 finances could impact that student's mental
14 health.

15 MR. INNES: Objection to form.

16 THE WITNESS: I'd say that --
17 I mean, I can only answer that same
18 way, inasmuch as they know that
19 they are financially insecure, then
20 that might have an impact on their
21 mental well-being.

22 THE VIDEOGRAPHER: I'm sorry,
23 your microphone is upside down.
24 Thank you.

25 THE WITNESS: Thank you.

CONFIDENTIAL

Page 245

1 BY MR. KARP:

2 Q. And is that something you've
3 observed among IPS students?

4 A. That they feel insecure
5 because of their financial situations?

6 Q. Strike that, only because I'm
7 asking you as the district. Is the
8 district aware of whether that has been a
9 problem for IPS students?

10 A. I would say, yes, varying
11 degrees, yes.

12 Q. Has food insecurity been a
13 problem for IPS students?

14 MR. INNES: Objection to form.

15 THE WITNESS: When you state
16 it that way, as though it is a
17 problem with all of our students,
18 with IPS students, I would say no.
19 Are there certain students who have
20 food insecurity, yes.

21 BY MR. KARP:

22 Q. And I didn't mean to imply
23 that it was applicable to every student in
24 IPS. Do some students struggle with food
25 insecurity?

CONFIDENTIAL

Page 246

1 A. Yes.

2 Q. And to be more specific, do
3 some IPS students struggle with food
4 insecurity?

5 A. Yes.

6 Q. And does that have a negative
7 impact on their mental health?

8 A. I would say yes.

9 Q. Do IPS students feel pressure
10 to graduate from high school?

11 MR. INNES: Objection to form.

12 THE WITNESS: Yes.

13 BY MR. KARP:

14 Q. Pressure to go to college?

15 MR. INNES: Objection to form.

16 THE WITNESS: I would say yes.

17 BY MR. KARP:

18 Q. Pressure to get a job after
19 graduation?

20 MR. INNES: Objection to form.

21 THE WITNESS: Pressure after
22 graduation from college, after
23 graduation from high school, there
24 may be some in different
25 categories.

CONFIDENTIAL

Page 247

1 BY MR. KARP:

2 Q. Pressure -- IPS students
3 experience these pressures to graduate, to
4 go to college, and to find jobs, right?

5 MR. INNES: Objection to form.
6 Outside the scope.

7 THE WITNESS: I would say yes,
8 students do, yes.

9 BY MR. KARP:

10 Q. Those pressures have an
11 impact on their mental health?

12 MR. INNES: Same objection.

13 THE WITNESS: Yes.

14 BY MR. KARP:

15 Q. Do some IPS students feel
16 pressure to provide financial support to
17 their families?

18 MR. INNES: Objection.
19 Outside the scope.

20 THE WITNESS: Yes.

21 BY MR. KARP:

22 Q. And that may have a negative
23 impact on a student's mental health,
24 correct?

25 A. Yes.

CONFIDENTIAL

Page 248

1 Q. Do IPS students suffer
2 from -- or strike that.

3 Do some IPS students
4 struggle with low academic self-esteem?

5 MR. INNES: Objection to form.

6 THE WITNESS: Yes.

7 BY MR. KARP:

8 Q. They don't feel confident in
9 their abilities to perform in the
10 classroom?

11 A. Yes.

12 Q. And that has a negative
13 impact on a student's mental health,
14 correct?

15 A. Yes.

16 Q. Does violence in the
17 Irvington community have a negative impact
18 on the mental health of IPS students?

19 A. Can you please clarify what
20 you mean, violence in the Irvington
21 community?

22 Q. To the extent there are
23 violent incidents that occur in Irvington,
24 not necessarily on school grounds, it could
25 be anywhere in Irvington, does that have a

CONFIDENTIAL

Page 249

1 negative effect on student mental health?

2 MR. INNES: Objection to form.
3 Asked and answered. You may answer
4 again.

5 THE WITNESS: Okay. I would
6 say all students who are exposed to
7 violence. All of the things, food
8 insecurity, financial insecurity,
9 violence, those all would have a
10 negative impact on mental health.

11 BY MR. KARP:

12 Q. And thank you. For violence,
13 whether that individual is the victim of
14 the violent incident or knows the victim,
15 knows of the victim, in any of those
16 scenarios, it could have a negative effect
17 on that person's mental health, right?

18 A. Yes, I would --

19 MR. INNES: Objection to form.

20 THE WITNESS: Sorry, I would
21 say it would have a negative impact
22 no matter of known, unknown, in
23 this community, or any other
24 community, it would, you know,
25 violence, documented or

CONFIDENTIAL

Page 250

1 undocumented, yes.

2 BY MR. KARP:

3 Q. Does bullying have a -- or
4 strike that.

5 Do IPS students struggle
6 with bullying?

7 MR. INNES: Objection to form.

8 THE WITNESS: There are
9 instances -- incidents of it, yes.

10 BY MR. KARP:

11 Q. Bullying has a negative
12 effect on student mental health, correct?

13 A. Yes.

14 Q. And that would apply to IPS
15 students?

16 A. Yes, that is correct.

17 Q. Many of the issues that we
18 just discussed from financial insecurity to
19 bullying to pressure to get a -- to go to
20 college after graduating from high school
21 existed well before social media, correct?

22 A. Yes.

23 Q. Today, students are dealing
24 with some unique issues that some prior
25 generations have not needed to deal with,

CONFIDENTIAL

Page 251

1 do you agree with that?

2 MR. INNES: Objection to form.

3 THE WITNESS: Yes.

4 BY MR. KARP:

5 Q. Students today have been
6 challenged by the COVID-19 pandemic, right?

7 A. Yes.

8 Q. And the district agrees that
9 that had a negative impact on student
10 mental health, correct?

11 A. Yes.

12 Q. Students for a period of time
13 were at home learning virtually and not
14 able to interact with their friends and
15 peers in person, right?

16 A. Yes.

17 Q. And might have felt isolated
18 during that time?

19 A. Yes.

20 Q. Might have felt scared about
21 getting COVID or having a loved one get
22 COVID-19?

23 A. Yes.

24 Q. Students today -- are IPS
25 students affected by -- or strike that.

CONFIDENTIAL

Page 252

1 Do social justice issues
2 have an impact on the mental health of IPS
3 students?

4 MR. INNES: Objection to form.

5 THE WITNESS: Yes.

6 BY MR. KARP:

7 Q. And is that something that
8 the district has observed in the last ten
9 years?

10 A. I would say, yes.

11 Q. I'm going to hand -- Danny,
12 is the video on?

13 I want to turn back to the
14 discussion we were having of violence in
15 the Irvington community, to be a bit more
16 specific. Does the district know how
17 violent crime rates in Irvington compare to
18 violent crime rates elsewhere in the state
19 of New Jersey?

20 MR. INNES: Objection to form.

21 THE WITNESS: Does IPS know
22 how incidents of violence happen --
23 can you, I'm sorry, I'm just trying
24 to --

25

CONFIDENTIAL

Page 253

1 BY MR. KARP:

2 Q. Sure. Does IPS know or have
3 an understanding of how the rates of
4 violent crime in Irvington compare to the
5 rates of violent crime elsewhere in New
6 Jersey?

7 A. I would --

8 MR. INNES: Objection to form.
9 The rest of New Jersey as a whole
10 or a specific community? It's a
11 confusing question.

12 BY MR. KARP:

13 Q. And my question stands.

14 A. I would say no.

15 Q. Has Irvington ever -- has the
16 district ever reviewed crime rate data
17 relating to Irvington in particular?

18 A. No.

19 Q. Has violent crime been an
20 issue for the Irvington community in the
21 relevant time period?

22 MR. INNES: Objection to form.
23 Outside the scope.

24 THE WITNESS: I would say
25 violent crimes has been an issue

CONFIDENTIAL

Page 254

1 across New Jersey, the United
2 States, and in our world.

3 BY MR. KARP:

4 Q. And is Irvington included in
5 that?

6 A. It's in that world, yes.
7 Yes.

8 Q. I'm going to hand you tab 25.

9 A. Thank you.

10 Q. We'll mark this as the next
11 exhibit, which is Exhibit 18.

12 - - - - -

13 (2019 Crime in the United
14 States marked Vauss Exhibit 18
15 for identification.)

16 - - - - -

17 THE WITNESS: Okay.

18 BY MR. KARP:

19 Q. This is crime data FBI from
20 2019 taken from the FBI's website.

21 Do you see that?

22 A. I do.

23 Q. Has the district seen this
24 before?

25 A. Not to my knowledge.

CONFIDENTIAL

Page 255

1 Q. Let's focus on page 1,
2 specifically, the information relating to
3 New Jersey.

4 Do you see that toward the
5 bottom of the page?

6 A. I do.

7 Q. Some information for New
8 Jersey is -- or strike that.

9 The table reflects crime
10 data for New Jersey for 2018 and 2019.

11 Do you see that?

12 A. Yes.

13 Q. If you look at the very top
14 of the table, there's a column for violent
15 crime.

16 Do you see that?

17 A. I do.

18 Q. And on the right side of that
19 column, it says, "rate per 100,000."

20 A. Yes.

21 Q. Do you see that?

22 A. I do.

23 Q. Do you have an understanding
24 of what's meant by rate per 100,000?

25 A. Yes.

CONFIDENTIAL

Page 256

1 Q. This is the rate per 100,000
2 people, correct?

3 A. That is correct.

4 Q. Okay. So if we go back down
5 to New Jersey, and the data for New Jersey,
6 violent crime in New Jersey for 2019, that
7 rate was 206.9 per 100,000 people.

8 Do you see that?

9 A. I do.

10 Q. So according to the FBI, in
11 2019, there were 206.9 instances of violent
12 crime for every 100,000 people in the state
13 of New Jersey, correct?

14 A. Yes.

15 Q. Does IPS have any basis to
16 dispute the FBI data?

17 A. No.

18 Q. I'm handing you tab 26.

19 A good way to use up my
20 time, Michael.

21 MR. INNES: I wish I was that
22 creative.

23 - - - - -

24 (Uniform Crime Report Crime
25 in the United States, 2019 marked

CONFIDENTIAL

Page 257

1 Vauss Exhibit 19 for
2 identification.)

3 - - - - -

4 BY MR. KARP:

5 Q. We'll mark this as
6 Exhibit 19. This is also from the FBI.
7 And it includes a definition of violent
8 crime.

9 Do you see that?

10 A. I do.

11 Q. It reads, "In the FBI's
12 Uniform Crime Reporting Program, violent
13 crime is composed of four offenses: Murder
14 and nonnegligent manslaughter, rape,
15 robbery, and aggravated assault."

16 Do you see that?

17 A. I do.

18 Q. And those are the types of
19 incidents that are reported on in
20 Exhibit 18, correct?

21 A. Yes. I find it interesting,
22 "The data presented in Crime," it says, "in
23 Crime in the United States reflect a
24 Hierarchy Rule, which requires that only
25 the most serious offense in a

CONFIDENTIAL

Page 258

1 multiple-offense criminal incident be
2 counted."

3 So being a data person, that
4 means that there was something that was
5 left off.

6 Q. So for any of the numbers
7 listed here, they could be higher --

8 A. Yes, I know.

9 Q. There may be -- no, I'm just
10 trying to understand what you're saying, so
11 there may be more incidents?

12 A. I guess my emphasis is that
13 these numbers aren't exact.

14 Q. Okay. They might be
15 approximate numbers?

16 A. Okay.

17 Q. I'm asking if that's what
18 you're saying --

19 A. That would be my
20 understanding from that statement, but
21 yeah.

22 Q. Thank you. Let's turn
23 back -- I'm going to hand you tab 27, which
24 we will mark as Exhibit 20.

25 - - - - -

CONFIDENTIAL

Page 259

1 (2019 Crime in the United
2 States (New Jersey) marked Vauss
3 Exhibit 20 for identification.)

4 - - - - -

5 BY MR. KARP:

6 Q. This is additional data from
7 the FBI for 2019 broken down by cities
8 within New Jersey.

9 A. Uh-huh.

10 Q. Do you see that?

11 A. I do.

12 Q. Okay. Let's turn to the data
13 for Irvington.

14 A. Uh-huh.

15 Q. Which appears on the third
16 page?

17 A. Yes.

18 Q. Toward the bottom.

19 A. Uh-huh, yes.

20 Q. According to this table, the
21 population of Irvington at this point in
22 time was 54,034?

23 A. Yes.

24 Q. And for that population of
25 people, the FBI reported 280 incidents of

CONFIDENTIAL

Page 260

1 violent crime.

2 Do you see that?

3 A. I do.

4 Q. So in Irvington, there were
5 280 incidents of violent crime for
6 54,000 -- approximately 54,000 people as
7 compared to the state of New Jersey?

8 A. Yes.

9 Q. Where there were 206.9
10 incidents of violent crime for
11 approximately 100,000 people?

12 A. Yes.

13 Q. Okay. Meaning that the rate
14 of violent crime in Irvington, according to
15 the FBI, was more than two times as much as
16 the rate in the rest of the state?

17 A. That is correct.

18 Q. Is it the district's position
19 that those rates of violent crime would
20 have a negative impact on the mental health
21 of their students?

22 MR. INNES: Objection to form.

23 THE WITNESS: I would say,
24 yes, in addition to other things,
25 yes.

CONFIDENTIAL

Page 261

1 BY MR. KARP:

2 Q. And we discussed a number of
3 factors --

4 A. Yes.

5 Q. -- that could contribute to a
6 student's mental health?

7 A. Yes, we did.

8 Q. And thank you for clarifying.

9 A. And I would say to the degree
10 that it touches those individuals, you
11 know, I've lived in Irvington since 2017
12 and I have not been the victim of a crime.
13 So, you know, there's -- I feel bad for
14 those who it did affect, but I wouldn't say
15 that everyone is -- in Irvington is touched
16 by violence.

17 Q. You mentioned earlier that
18 regardless of whether you're the victim of
19 violent crime, know someone who is the
20 victim of --

21 A. Yes.

22 Q. -- a violent crime, know of
23 someone or just --

24 A. Yes.

25 Q. -- hear about --

CONFIDENTIAL

Page 262

1 A. Yes.

2 Q. -- a violent crime that would
3 have a negative impact on mental health,
4 right?

5 MR. INNES: Objection to form.

6 THE WITNESS: Yes, I did say
7 that.

8 BY MR. KARP:

9 Q. Does IPS give gang awareness
10 training?

11 A. We do provide training for
12 our administrative staff, so, yes, that
13 would be a yes.

14 Q. How often does that take
15 place?

16 A. Yearly.

17 Q. So some amount of gang
18 awareness training is given to IPS staff
19 every year?

20 A. Yes.

21 Q. Is gang awareness training
22 given to students in IPS?

23 A. Not to my knowledge.

24 Q. Okay. Why is gang awareness
25 training given to IPS staff?

CONFIDENTIAL

Page 263

1 A. I think because it's
2 important for our administrators, that's
3 who gets it, to understand what gangs are.
4 That is gangs from its pure definition
5 aren't always groups of people coming
6 together for violence, but it's a set
7 number of people who organize and form a
8 grouping of common interest. And some are
9 negative and some are positive, and we want
10 to make sure that students aren't, you
11 know, marginalized or polarized as being a
12 part of a negative violent gang if and when
13 they are not. They may -- there may be
14 stereotypes about what a gang member looks
15 like and what a violent person looks like
16 and we want to ensure that those
17 stereotypes are not applied to our
18 scholars.

19 Q. Are IPS staff educated in
20 gang awareness or trained in gang awareness
21 because gang violence is an issue facing
22 Irvington Public Schools?

23 A. I believe --

24 MR. INNES: Objection to form.

25 THE WITNESS: I believe some

CONFIDENTIAL

Page 264

1 students do face the threat of gang
2 violence.

3 BY MR. KARP:

4 Q. And, again, my question in
5 meant to imply that every student at
6 Irvington Public Schools has --

7 A. That's why I wanted to make
8 sure I clarified that.

9 Q. And I picked up on that, so
10 thank you.

11 A. You're welcome.

12 Q. Do IPS staff receive training
13 in gang awareness because some IPS students
14 are affected by gang violence?

15 MR. INNES: Objection to form.

16 THE WITNESS: Yes.

17 BY MR. KARP:

18 Q. I'm going to hand you tab 32.
19 And I will just say very plainly for the
20 record that I am asking extremely limited
21 questions about this document. And if at
22 any point we need to take a break, please
23 let me know.

24 MR. INNES: Okay. We're going
25 back to something.

CONFIDENTIAL

Page 265

1 MR. KARP: For the record,
2 this is Exhibit 21.

3 - - - - -

4 (NJ.com Article marked Vauss
5 Exhibit 21 for identification.)

6 - - - - -

7 BY MR. KARP:

8 Q. Dr. Vauss, just a few
9 questions on this document and if you need
10 to take a break at any point, please let me
11 know.

12 This article is titled,
13 "Gang member who gunned down rival near New
14 Jersey high school pleads guilty," and it
15 was published April 15, 2024.

16 Do you see that?

17 A. Yes.

18 Q. Did you have a chance to
19 review this article when I handed it to
20 you?

21 A. I did.

22 Q. Does this article refer to
23 the incident that you were sharing with me
24 earlier?

25 A. Yes.

CONFIDENTIAL

Page 266

1 Q. Does this refresh your memory
2 of whether gangs were involved in the
3 incident that you have shared with me?

4 A. Yes. Yes. Yes.

5 Q. And according to this
6 article, a gang member very tragically shot
7 the young man you were telling me about?

8 A. Yes.

9 Q. Who is described here as a
10 rival --

11 A. Yes.

12 Q. -- in the report?

13 A. Yes.

14 Q. I also asked you earlier that
15 you were aware one way or another if
16 someone had been convicted of the crime.
17 Does this refresh your memory?

18 A. It does, it brings to my
19 memory the school resource officer, because
20 when you asked about the particular
21 platform that the -- that initiated -- I
22 mean, it could have been back and forth
23 before, but there was the incident that
24 happened the night before this incident and
25 that there was activity on Facebook where

CONFIDENTIAL

Page 267

1 they were sharing, they were liking what
2 the victim noted here, what he was doing
3 with the group of gang members that he was
4 involved with. And I think it was because
5 they continued to brag and this particular
6 young man who shot Marquise was still
7 bragging and posting that they were
8 tracking them, their activity, and I think
9 that helped to get them, yes.

10 Q. This individual pleaded
11 guilty to the crime?

12 A. Yes, he did.

13 Q. And it says here that he
14 pleaded, he "pleaded guilty in Newark
15 federal court to Racketeer Influenced and
16 Corrupt Organizations conspiracy,"
17 according to the U.S. Attorney's office,
18 right?

19 A. Yes.

20 Q. We can put this to the side.
21 Thank you.

22 A. You're welcome.

23 MR. INNES: Do you need a
24 break or can you push through?

25 THE WITNESS: I'll push

CONFIDENTIAL

Page 268

1 through.

2 BY MR. KARP:

3 Q. Are you sure?

4 A. Yeah, I'm fine, yes.

5 Q. I'm handing you tab two.

6 This is the Third Amended Plaintiff Fact
7 Sheet - School Districts for Irvington
8 Public Schools.

9 Do you see that?

10 A. Yes.

11 - - - - -

12 (Third Amended Plaintiff
13 Fact Sheet - School Districts
14 marked Vauss Exhibit 22 for
15 identification.)

16 - - - - -

17 BY MR. KARP:

18 Q. If we look at the last page
19 of this document at the back --

20 A. Yes.

21 Q. -- there's a certification.
22 You are the signatory?

23 A. Yes.

24 Q. And you signed this on
25 April 28, 2025?

CONFIDENTIAL

Page 269

1 A. Yes.

2 Q. And you stated that you
3 declared under penalty of perjury that the
4 information provided in this Plaintiff Fact
5 Sheet is complete, true, and correct to the
6 best of your knowledge and information?

7 A. Yes.

8 Q. Thank you.

9 A. You're welcome.

10 Q. Let's turn to page 38.

11 A. I'm sorry, can you repeat the
12 page.

13 Q. Sorry, page 38.

14 A. Thirty-eight. Thank you.

15 Q. Question 51 asks, "Do you
16 possess any existing report, survey,
17 analysis, study or other document that
18 provides an overview of or describes
19 traumatic events, that is, school shooting,
20 violence at school by a nonstudent or
21 non-staff members, and students or threats
22 of violence?"

23 Do you see that?

24 A. Yes.

25 Q. The answer is no to that

CONFIDENTIAL

Page 270

1 question?

2 A. Yes.

3 Q. Sitting here today, that
4 answer has not changed?

5 A. No, it has not.

6 Q. You can put this to the side
7 for now. I'm handing you tab 30 --

8 A. Thank you.

9 Q. -- which we will mark as tab
10 23 -- Exhibit 23, excuse me.

11 - - - - -

12 (Plaintiff Fact Sheet -
13 School Districts (Supplemental)
14 marked Vauss Exhibit 23 for
15 identification.)

16 - - - - -

17 BY MR. KARP:

18 Q. This is "Plaintiff Fact Sheet
19 - School Districts (Supplemental)" for
20 Irvington Public Schools.

21 Do you see that?

22 A. Yes.

23 Q. If we turn to the last page
24 of this document, there's a certification.

25 Do you see that?

CONFIDENTIAL

Page 271

1 A. Yes.

2 Q. You are also the signatory
3 there?

4 A. Yes.

5 Q. And you signed this on
6 May 31, 2024?

7 A. Yes.

8 Q. Let's turn to questions nine
9 and ten. Or rather the page that shows
10 questions nine and ten, but we're just
11 going to focus on question ten.

12 A. Yes.

13 Q. Question ten asks the
14 district to "Identify the number of and
15 location of any school shooting, whether
16 you attribute any such incident to social
17 media use, and if so, which social media
18 platform."

19 Do you see that?

20 A. Yes.

21 Q. And then the district wrote,
22 "During the 2018-2019 school year, a high
23 school student was fatally gunned down just
24 after class let out only blocks from
25 Irvington High School. The School District

CONFIDENTIAL

Page 272

1 attributes the shooting to social media
2 use, specifically Instagram."

3 Do you see that?

4 A. Yes.

5 Q. This is why I was asking
6 earlier about the particular platform, you
7 had told me Facebook --

8 A. Yes.

9 Q. -- and I just wanted to
10 clarify --

11 A. Yes, yes.

12 Q. -- because here, there's a
13 reference to Instagram.

14 Do you see that?

15 A. Yes.

16 Q. To be sure, is this the same
17 incident that we were talking about?

18 A. This is the same incident.

19 Q. Okay. So is it the
20 district's understanding that the posts
21 that you had described were on Instagram
22 rather than Facebook?

23 A. No, it's my understanding
24 that it's Facebook. When I -- I spoke to
25 the school resource officer, as I was

CONFIDENTIAL

Page 273

1 saying, and he said it was Facebook.

2 Q. Okay. So Instagram here
3 should be -- in the Plaintiff Fact Sheet
4 should say Facebook?

5 A. That is correct.

6 Q. And your understanding of
7 Facebook as the platform at issue was based
8 on discussions with the school resource
9 officer; is that what you told me?

10 A. Yes.

11 Q. Do you recall that
12 individual's name?

13 A. Andrew Merisca.

14 Q. Thank you.

15 A. You're welcome.

16 Q. Let's go to question 11.
17 Question 11 asks the district to "Identify
18 the number of and location of any other
19 violence perpetrated by an outsider (i.e.,
20 nonstudent and non-staff member) which
21 requires the cessation of school activities
22 for the entire district or an entire school
23 campus, whether you attribute any such
24 incident to social media use, and if so,
25 which social media platform."

CONFIDENTIAL

Page 274

1 Do you see that?

2 A. Yes.

3 Q. The first incident listed is
4 the one that we've already discussed,
5 correct?

6 A. Uh-huh, yes.

7 Q. Let's focus on the next
8 paragraph.

9 A. Yes.

10 Q. Here, the district states
11 that, "During the 2023-2024 school year,
12 Irvington High School encountered three
13 significant security incidents involving
14 outsiders that required it to halt normal
15 school activities campus-wide. The first
16 incident occurred on school grounds and
17 prompted a shelter in place to ensure the
18 safety of all students and staff. Feuds
19 between students on Instagram led to a
20 melee that was this first incident. This
21 melee was captured on Instagram Live and
22 shared throughout Instagram."

23 Do you see that?

24 A. Yes.

25 Q. Okay. Before we talk about

CONFIDENTIAL

Page 275

1 the other two incidents that are described
2 later, let's just pause and talk about
3 that. Who were these -- who are the
4 individuals -- or strike that.

5 What is a shelter in place?

6 A. A shelter in place is a
7 safety protocol when there may be some type
8 of unknown danger or situation occurring in
9 the building.

10 Q. Thank you, Dr. Vauss.

11 A. You're welcome.

12 Q. In this particular incident,
13 students were fighting that led to a melee
14 and the melee was filmed and shared on
15 Instagram, is that --

16 A. Yes.

17 Q. -- what occurred?

18 A. Yes.

19 Q. "The other two incidents
20 originated in the community and were linked
21 to interactions on Instagram. These --"

22 A. Yes.

23 Q. I'm sorry --

24 A. I'm sorry --

25 Q. -- social media --"

CONFIDENTIAL

Page 276

1 A. -- finish the question.

2 Q. I'll start over. "The other
3 two incidents originated in the community
4 and were linked to interactions on
5 Instagram. These social media exchanges
6 among students led to substantial safety
7 concerns, prompting the school to conduct a
8 comprehensive safety drill."

9 Do you see that?

10 A. Yes.

11 Q. Can you tell me more about
12 those incidents?

13 A. Okay. Which ones, all three
14 or --

15 Q. The ones that you list as the
16 other two incidents.

17 A. Okay. All right. So the
18 other two incidents, one involved a student
19 who I believe he shot himself, not
20 purposely, but accidentally, in the
21 backyard of a home and there were students
22 who were present when this -- when this
23 accident occurred. It wasn't -- it was an
24 accident, but it occurred. And as a result
25 of that, this is really silly, but

CONFIDENTIAL

Page 277

1 students, you know, they posted about the
2 incident happening and then people were
3 putting comments like rest in peace, they
4 were sharing it. And certain members of
5 the school community would say, you're not
6 really friends with this person. Why are
7 you trying to -- and there's their
8 vernacular, you're trying to -- I'll just
9 say you're trying to pretend, you're trying
10 to pretend you had this relationship with
11 them that you didn't.

12 There was a girl who said I
13 was his girlfriend, you weren't. Why are
14 you posting? So it, just, it grew and it
15 grew and it grew. As people commented on
16 the posting and they, you know, some of our
17 students didn't appreciate that, for
18 whatever reason, it grew into situations
19 that spilled over into the high school and
20 then we had to deal with it.

21 The second incident involves
22 one of our scholars was involved in a car
23 accident. He was killed. Same type of
24 situation. You don't really know him.
25 You're trying to pretend like you know him.

CONFIDENTIAL

Page 278

1 You're posting things and saying rest in
2 peace or you're acting like you had a
3 relationship with him and you didn't, and
4 it sounds really trivial, because the main
5 point is that a child died, but children
6 act like children. And those are the two
7 incidents that are noted there.

8 Q. Thank you. So the first
9 incident involved a student who
10 inadvertently shot himself that was posted,
11 maybe not the shooting, but the fact that
12 it had happened was posted to social media
13 and there were some, a number -- that was
14 shared and commenting ensued?

15 A. Yes, they gave their thoughts
16 on it and it became, it took a life of its
17 own.

18 Q. As a result of that, was
19 there any violence or fighting at IPS, like
20 physical fighting?

21 A. As a result of this incident?

22 Q. Yes.

23 A. Yes.

24 Q. And in the other example that
25 you provided, there was a very tragic car

CONFIDENTIAL

Page 279

1 accident?

2 A. Yes.

3 Q. And students were posting
4 about the car accident and commenting about
5 the extent to which people actually knew
6 the individual who was in that car
7 accident; is that right?

8 A. Yes.

9 Q. Did that lead to violence or
10 physical fighting at IPS?

11 A. Yes.

12 Q. Okay. For all three of these
13 incidents that are listed here --

14 A. Yes.

15 Q. -- in this paragraph, what is
16 the district's basis for saying that
17 Instagram in particular was the platform
18 that was being utilized or that was linked
19 to these incidents?

20 A. Because the staff members
21 that are at Irvington High School, some of
22 them actually viewed these items online.
23 Students told them about it being online.
24 So it's a myriad of reasons why they know
25 that it was placed on the platform.

CONFIDENTIAL

Page 280

1 Q. And these incidents occurred
2 at Irvington High School, correct?

3 A. That's correct.

4 Q. If I wanted to learn more
5 about these incidents, who would be a good
6 person to talk to?

7 A. I would say --

8 MR. INNES: Objection to form.

9 THE WITNESS: Sorry. I would
10 say speak to Principal Mangan for
11 sure, his AP staff, particularly
12 Ms. Freeman, like, she deals with a
13 lot of those issues. And the
14 deans, I think the deans would be
15 privy to that as well.

16 BY MR. KARP:

17 Q. Thank you.

18 A. You're welcome.

19 Q. Let's talk briefly about the
20 next item here, the next question here
21 which is number 12.

22 Do you see that?

23 A. Yes.

24 Q. In response to number 12, the
25 district wrote, "During the 2023-2024

CONFIDENTIAL

Page 281

1 school year, Irvington High School
2 experienced one serious threat of violence
3 that necessitated the cessation of all
4 school activities across the entire campus.
5 This incident, which was known to our
6 student body and involved a threat of a
7 school shooting, required the cessation of
8 all school activities for the entire school
9 campus. Irvington attributes the incident
10 to social media, specifically Instagram."

11 Do you see that?

12 A. Yes.

13 Q. Okay. Can you tell me more
14 about this incident?

15 A. There was an incident saying
16 that there was something that was going to
17 happen at Irvington High School.

18 Q. Meaning a post?

19 A. A post, yes.

20 Q. Someone posted something is
21 going to happen --

22 A. Yes.

23 Q. -- at Irvington High School?

24 A. Yes.

25 Q. And that was interpreted as

CONFIDENTIAL

Page 282

1 a threat --

2 A. A threat, yes.

3 Q. And that led to --

4 A. And it was circulated
5 throughout.

6 Q. And that led for the
7 cessation of all school activities across
8 the campus?

9 A. Yes. I believe, I want to
10 believe that it was during after-school
11 hours that we became aware of it, because
12 it wasn't -- we didn't miss the entire
13 school day.

14 Q. The district attributed that
15 incident to Instagram?

16 A. Yeah, the ability for that to
17 circulate, we believe there was some cause
18 on behalf, if it -- just one person had put
19 something up, it wouldn't have been passed
20 throughout the district. If it hadn't been
21 passed throughout the district, no one
22 would have known about it and there
23 wouldn't be the need to stop school
24 activities.

25 Q. Was it a real threat?

CONFIDENTIAL

Page 283

1 MR. INNES: Objection to form.

2 BY MR. KARP:

3 Q. I can rephrase that. The
4 school investigated the post, correct?

5 A. Yes, we had school resource
6 officers in our area, security, you know,
7 out looking around trying to be vigilant
8 too.

9 Q. Was it -- what I meant by my
10 question was, was it determined through the
11 investigation that the individual who
12 posted that sincerely or seriously intended
13 to do something at school that would harm
14 other students?

15 A. I think --

16 MR. INNES: Objection to form.

17 THE WITNESS: Oh, sorry. I
18 think that their intent was to
19 disrupt the school day and they
20 were successful in being able to
21 disrupt the school day. So to that
22 degree, yes, they were successful
23 and it was, it was the threat that
24 they intended, which was to school
25 instruction, they were successful.

CONFIDENTIAL

Page 284

1 BY MR. KARP:

2 Q. And I think -- thank you.
3 What I intended by my question was -- well,
4 actually, strike that. I appreciate your
5 answer.

6 Let's take a look at the
7 next tab, which is tab 33.

8 A. If I can request that after
9 we do this one I can go to the bathroom.

10 MR. KARP: Yeah, we can take a
11 bathroom break?

12 THE WITNESS: Is that okay?

13 MR. INNES: Take it right now,
14 yes.

15 THE WITNESS: Thank you.

16 THE VIDEOGRAPHER: The time
17 right now is 3:38 p.m. We are off
18 the record.

19 - - - - -

20 (A recess was taken at this time.)

21 - - - - -

22 THE VIDEOGRAPHER: The time
23 right now is 3:46 p.m. We're back
24 on the record.

25

CONFIDENTIAL

Page 285

1 BY MR. KARP:

2 Q. Welcome back --

3 A. Thank you.

4 Q. -- Dr. Vauss.

5 A. Thank you.

6 Q. I am handing you tab 33. We
7 will mark this as Exhibit 24.

8 - - - - -

9 (RLS Media Article marked
10 Vauss Exhibit 24 for
11 identification.)

12 - - - - -

13 BY MR. KARP:

14 Q. The title of this document
15 is, "Fourth Bomb Threat in a Month Called
16 at Irvington Township Middle School."

17 Why don't you take a minute
18 just to look? Have you had a chance to
19 take a look?

20 A. Yes, uh-huh.

21 Q. Thanks.

22 A. You're welcome.

23 Q. This article was published on
24 December 2, 2022.

25 Do you see that?

CONFIDENTIAL

Page 286

1 A. Yes.

2 Q. As I stated a minute ago, the
3 title of this article is, "Fourth Bomb
4 Threat in a Month Called in at Irvington
5 Township Middle School."

6 Do you see that?

7 A. Yes.

8 Q. Do you recall this incident?

9 A. Yes.

10 Q. You were superintendent at
11 the time?

12 A. Yes.

13 Q. The article reads that, "The
14 Essex County Bomb Squad was called to the
15 scene to investigate a threat at a middle
16 school in Irvington Township Thursday
17 afternoon."

18 A. Yes.

19 Q. Do you see that?

20 A. Yes.

21 Q. "In the fourth bomb threat
22 called in at the Union Avenue Middle School
23 since November 3rd, Irvington Township
24 Police were notified of a threat phoned
25 into the building shortly before 1:50 p.m."

CONFIDENTIAL

Page 287

1 A. Yes.

2 Q. So someone called Union
3 Avenue Middle School and made this bomb
4 threat?

5 A. Yes, but it was also my
6 understanding that the person put it on one
7 of the platforms and was able to circulate
8 it around to the children who then told
9 their parents that, you know, about the
10 situation as well.

11 Q. I'm not understanding, can
12 you --

13 A. So the person, I believe,
14 placed the threat verbally, called it in,
15 but also placed it on social media, the
16 threat. They made a threat of some kind.
17 This is my understanding from speaking to
18 the principal, the principal would have
19 called me, and the students got word of it,
20 because they saw the posting.

21 Q. The threat was called in
22 to --

23 A. To the school.

24 Q. -- the school, correct?

25 A. To the school, yes.

CONFIDENTIAL

Page 288

1 Q. You're saying in addition --

2 A. In addition, that was my
3 understanding afterwards, yes.

4 Q. And when you say, "your
5 understanding," you mean Dr. Vauss's
6 understanding?

7 A. No, the district being
8 that -- well, Dr. Vauss, having received a
9 call from the principal at the time that
10 that was happening.

11 Q. And I was clarifying, because
12 you said there was a conversation with
13 Principal Mangan, is that what you referred
14 to?

15 A. Well, that was for Irvington
16 High School, this is for Union Avenue.

17 Q. Oh, apologies. But when you
18 said you had that conversation with the
19 principal of Union Avenue Middle School,
20 that was you, Dr. Vauss --

21 A. Yes.

22 Q. -- who had that conversation?

23 A. Yes, that was me. That was
24 me.

25 Q. Are bomb threats common at

CONFIDENTIAL

Page 289

1 IPS?

2 MR. INNES: Objection to form.

3 THE WITNESS: I would say

4 they're not common, they've

5 happened before.

6 BY MR. KARP:

7 Q. This was -- this article was

8 written December 2nd of 2022 and this was

9 the fourth bomb threat to occur --

10 A. Yes.

11 Q. -- to be called in --

12 A. For Union Avenue.

13 Q. -- at Union Avenue --

14 A. At Union Avenue.

15 Q. -- specifically?

16 A. Specifically Union Avenue.

17 Q. So this one school, this was

18 the fourth bomb threat --

19 A. Yes.

20 Q. -- in a month --

21 A. Unfortunately, yes.

22 Q. -- to be called in?

23 A. Yes.

24 Q. Do students feel

25 comfortable -- do IPS students feel

CONFIDENTIAL

Page 290

1 comfortable coming to school if there are
2 constant bomb threats?

3 MR. INNES: Objection to form.
4 Misstates the prior testimony.
5 Lack of foundation. Assumes facts
6 not in evidence.

7 MR. KARP: You can answer the
8 question.

9 THE WITNESS: Do they feel
10 comfortable coming to school if
11 there are bomb threats? No.

12 BY MR. KARP:

13 Q. A student might choose to
14 stay home if -- an IPS student might choose
15 to stay home if there were four bomb
16 threats made to his or her school in a
17 month?

18 MR. INNES: Objection.
19 Objection to the -- I'm sorry,
20 objection to form.

21 THE WITNESS: No, they
22 wouldn't want to come to school.

23 BY MR. KARP:

24 Q. Let's look at Exhibit 23,
25 which was the supplemental PFS or Plaintiff

CONFIDENTIAL

Page 291

1 Fact Sheet.

2 A. Was it the last one? Yes.

3 Q. The last exhibit we were
4 reviewing.

5 A. Yes.

6 Q. And let's go back to question
7 number 12. Question 12 says, "Describe the
8 frequency of threats of violence to any of
9 your schools (for example, threat of school
10 shooting or bomb scare) which required a
11 cessation of school activities for the
12 entire district or an entire school campus
13 and were known to students, whether you
14 attribute any such incident to social media
15 use, and if so, which social media
16 platforms."

17 Do you see that?

18 A. Yes.

19 Q. The bomb threat we just
20 discussed is not listed in the response
21 that the district provided to question 12.

22 A. Yes.

23 Q. Why is that?

24 A. To be honest, I'm not sure
25 why it's not listed.

CONFIDENTIAL

Page 292

1 Q. We discussed that this was
2 the fourth bomb threat to be called in a
3 month, specifically at Union Avenue Middle
4 School?

5 A. Uh-huh.

6 Q. Were there other bomb threats
7 made that year at IPS schools?

8 A. No, not to my knowledge --

9 Q. Only --

10 A. -- or IPS.

11 Q. But sitting here today, you
12 do not know why the four different bomb
13 threats at Union Avenue Middle School are
14 not listed?

15 A. No.

16 MR. INNES: Objection to form.

17 BY MR. KARP:

18 Q. Are there other incidents
19 that you're aware of or that the district
20 is aware of that should have been -- or
21 strike that.

22 Are you aware of other
23 incidents responsive to question number 12
24 that are not presently included in the
25 response?

CONFIDENTIAL

Page 293

1 MR. INNES: Objection to form.

2 THE WITNESS: No.

3 BY MR. KARP:

4 Q. We're going to shift gears a
5 bit. You can put this to the side.

6 A. Thank you.

7 Q. I'm handing you tab 24.

8 MR. INNES: Take your time.

9 MR. KARP: We will mark this
10 Exhibit 25.

11 Dr. Vauss, if you look at
12 the first page, the bottom
13 right-hand corner, you'll see
14 there's a long Bates number and
15 the letters NJDOE appear.

16 THE WITNESS: Yes.

17 - - - - -

18 (2023-2024 BSCA Stronger
19 Connections Grant 3047
20 MDL__002074__NJDOE__0002706 to
21 0002769 marked Vauss Exhibit 25
22 for identification.)

23 - - - - -

24 BY MR. KARP:

25 Q. I'll represent to you that

CONFIDENTIAL

Page 294

1 these records were produced by the New
2 Jersey Department of Education.

3 A. Yes.

4 Q. We are going to look at maybe
5 only a page of this long document --

6 A. Okay.

7 Q. -- but just for the record,
8 if you look at the front, this document is
9 the 2023-2024 BSCA Stronger Connections
10 Grant application?

11 A. Yes.

12 Q. Do you see that?

13 A. Yes.

14 Q. The applicant is 13 2330
15 Irvington Township Essex County.

16 Do you see that?

17 A. Yes, I see that.

18 Q. Is it your understanding that
19 this is a grant application that Irvington
20 Public Schools submitted?

21 A. Yes.

22 Q. To the New Jersey Department
23 of Education?

24 A. Yes. Yes.

25 Q. Let's take a look at page,

CONFIDENTIAL

Page 295

1 the page with the Bates number ending 719.

2 On this page -- sorry about that.

3 A. Not your fault. Definitely
4 not your fault.

5 Q. As if I were the cause of
6 this --

7 MR. INNES: Motorcycles.

8 BY MR. KARP:

9 Q. Dr. Vauss, on this page, the
10 application states that, "Irvington Public
11 Schools is seeking grant funding from the
12 Bipartisan Safer Communities Act (BSCA)
13 Stronger Connections Grant to implement a
14 comprehensive Restorative Practices Program
15 district-wide."

16 Do you see that?

17 A. I do.

18 Q. What are restorative
19 practices?

20 A. Restorative practices are
21 practices that help us find ways to deal
22 with issues that we normally would suspend
23 for and find ways of restoring the child to
24 the learning environment to try to come up
25 with more inclusive, reflective ways to

CONFIDENTIAL

Page 296

1 restore the child to the place we want them
2 to be, which is with their friends, the
3 other scholars, their teachers, the staff,
4 you know, different people who have an
5 effect on their educational journeys.

6 Q. That was very helpful, thank
7 you.

8 A. You're welcome.

9 Q. Let's turn to the page ending
10 in 722, and let me know when you're there.

11 A. I am.

12 Q. The first line of this
13 response states that, "If awarded grant
14 funding, the district proposes to implement
15 a comprehensive restorative practices
16 program district-wide for grade K through
17 12."

18 Do you see that?

19 A. Yes.

20 Q. And that is the restorative
21 practices -- that's a program that would
22 support the restorative practices you were
23 just telling me about, right?

24 A. Yes.

25 Q. If we look a little bit

CONFIDENTIAL

Page 297

1 further down in this paragraph to the
2 middle.

3 A. Do you mind if I just read
4 all the way down?

5 Q. I do not mind at all.

6 A. Okay. Thank you. Okay. You
7 said the middle of the page, right, yes.

8 Q. Yes. There is a statement
9 here starts with the word, "data"?

10 A. Yes.

11 Q. According to this
12 application, "Data reveals that as a result
13 of COVID-19, the district has seen a spike
14 in student conduct referrals which
15 indicates a need for strengthening coping
16 skills to navigate peer conflicts in a more
17 acceptable manner."

18 Do you see that?

19 A. Yes.

20 Q. And I read that correctly?

21 A. Yes.

22 Q. That is what the district
23 submitted to the New Jersey Department of
24 Education?

25 A. Yes.

CONFIDENTIAL

Page 298

1 Q. And they -- the district goes
2 on to say, "This can be especially seen in
3 the special education population of
4 students where the increase of referrals
5 has put a significant strain on the mental
6 health service providers. The current
7 ratio of school psychologists and school
8 counselors to students is a thousand to
9 one, which is double what it should be for
10 psychologists, and 75 percent more than
11 what it should be for school counselors and
12 social workers."

13 Do you see that?

14 A. Yes.

15 Q. And that is what the district
16 told the New Jersey Department of Education
17 in this application, right?

18 A. Yes.

19 Q. Earlier when we were talking
20 about whether students could use their cell
21 phones on school buses, like district buses
22 to get to school, you mentioned students
23 with educational difficulties?

24 A. Yes.

25 Q. Is that the same population

CONFIDENTIAL

Page 299

1 that's referred to here as special
2 education students?

3 A. Yes.

4 Q. And you testified earlier
5 that the district was not really aware of
6 how you considered whether those students
7 have cell phones?

8 A. Whether the special ed
9 students have cell phones?

10 Q. Who take the bus.

11 A. Just like any other student,
12 yes, we don't know which of them have it
13 and which of them don't. So, yes.

14 Q. The application goes on to
15 say that, "The district's overall student
16 population is made up of 85 percent
17 black/Hispanic Latino, and low-income
18 students. The district has 2,356 ELL
19 students."

20 Do you see that?

21 A. Yes.

22 Q. Is that your general
23 understanding of the makeup of the IPS
24 student body at this point in time?

25 A. Yes.

CONFIDENTIAL

Page 300

1 Q. "Most suspensions across the
2 district affect the black male population
3 of students. It is anticipated that
4 implementing a restorative practices
5 program will benefit all students, but
6 particularly black/male middle school and
7 high school students since they have the
8 largest number of suspensions."

9 Do you see that?

10 A. Yes.

11 Q. "The district chose to use
12 restorative practices as its primary
13 intervention to be implemented because it
14 is currently being utilized in some
15 capacity at the district with positive
16 results."

17 A. Yes.

18 Q. So restorative practices were
19 already being used by the district and the
20 district sought to bulk up that program and
21 offer more of those services?

22 A. Yes.

23 MR. INNES: Objection to form.

24 THE WITNESS: Sorry.

25

CONFIDENTIAL

Page 301

1 BY MR. KARP:

2 Q. Does Irvington Public Schools
3 have any data on whether certain subgroups
4 of individuals, certain subgroups of
5 students use social media more than others?

6 MR. INNES: Objection to form.
7 Outside the scope.

8 THE WITNESS: No.

9 BY MR. KARP:

10 Q. To refer directly to the
11 application that we were just discussing,
12 does Irvington Public Schools have any data
13 about whether black male students at IPS
14 use social media more than other students
15 at IPS?

16 MR. INNES: Objection to form.
17 Outside the scope.

18 THE WITNESS: No.

19 BY MR. KARP:

20 Q. You can put this document to
21 the side.

22 A. Okay.

23 Q. Coming full circle,
24 Dr. Vauss, we're going to go back to
25 Exhibit 6, which is the Plaintiff's Third

CONFIDENTIAL

Page 302

1 Amended Answers to Defendants'

2 Interrogatories where we were discussing
3 this, this chart --

4 A. Yes, excuse me, I'm sorry.

5 Q. -- this table. Do you still
6 have a copy?

7 A. I do.

8 Q. We talked a bit about Exhibit
9 A, let's look at Exhibit B.

10 A. You said Exhibit B, okay,
11 yes.

12 Q. And Exhibit B is the costs --
13 or strike that.

14 The title of the table on
15 Exhibit B is, "Costs Associated with the
16 Harms Alleged in the Complaint for
17 Expenditures on External Programs and
18 Services."

19 Do you see that?

20 A. Yes.

21 Q. The leftmost column of this
22 table is called, "Vendor"?

23 A. Yes.

24 Q. And then below that are a
25 number of vendors who have offered services

CONFIDENTIAL

Page 303

1 or provided services to the district, yeah?

2 A. Yes.

3 Q. The next column over is
4 approximate total spend.

5 Do you see that?

6 A. Yes.

7 Q. And then there's a percent
8 allocation to harms?

9 A. Yes.

10 Q. What is your understanding --
11 what is the district's understanding of
12 percent allocation to harms?

13 A. I would say the percent
14 allocation to harms as it relates to these
15 vendors, this is a conservative number of
16 the percentage of their time that they
17 service Irvington Public Schools that they
18 allocate to social media.

19 Q. When we were looking at
20 the -- at Exhibit A --

21 A. Yes.

22 Q. -- which included the
23 compensation for different staff at IPS.

24 A. Yes.

25 Q. There were different weight

CONFIDENTIAL

Page 304

1 percentages or percent allocations --

2 A. Uh-huh.

3 Q. -- assigned to each year
4 between 2016 and 2024.

5 Do you see that?

6 A. That is correct.

7 Q. Do you remember that?

8 A. Oh, do you want me to go back
9 to it?

10 Q. I'm just asking --

11 A. Oh, yes, I do remember. Yes,
12 I do. I do.

13 Q. Here there is a single
14 percentage assigned for each one of these
15 vendors.

16 Do you see that?

17 A. Yes.

18 Q. Is it Irvington's --
19 Irvington Public Schools' position that the
20 percent allocation to harms has been
21 constant for the relevant time period for
22 all of these vendors?

23 A. I would say insomuch as that
24 I wanted to make sure I gave a conservative
25 figure, I would say yes.

CONFIDENTIAL

Page 305

1 Q. The percent allocation has
2 not gone up over the years during the
3 relevant time period for these vendors?

4 A. I would say it's been steady,
5 yes.

6 Q. Okay. But it has gone up
7 for -- the district believes that it has
8 gone up for its own employees over the
9 years, correct?

10 A. I think that's correct.
11 These are conservative figures that are
12 listed there.

13 THE VIDEOGRAPHER: I'm sorry,
14 Counsel, I really need to go off
15 the record again.

16 MR. KARP: Oh, sure. No
17 problem.

18 THE VIDEOGRAPHER: The time
19 right now is 4:12 p.m. and we're
20 off the record.

21 - - - - -

22 (Discussion was held off the record.)

23 - - - - -

24 THE VIDEOGRAPHER: The time
25 right now is 4:16 p.m. We're back

CONFIDENTIAL

Page 306

1 on the record.

2 BY MR. KARP:

3 Q. Dr. Vauss, before we took our
4 break, we were discussing Exhibit B, do you
5 recall?

6 A. Yes. Yes.

7 Q. From just a few minutes ago?

8 A. Yes.

9 Q. And we were specifically
10 discussing the percent allocations that are
11 listed here on Exhibit B.

12 A. Yes, uh-huh.

13 Q. Let's talk about some
14 examples.

15 A. Uh-huh.

16 Q. CarePlus New Jersey is listed
17 here as one of the vendors?

18 A. Yes.

19 Q. And the percentage allocation
20 to harms is 20 percent?

21 A. Yes.

22 Q. And what's the basis for --
23 for that number?

24 A. So based upon discussions
25 that they've had with Ms. Pettiford or

CONFIDENTIAL

Page 307

1 other counselors, teachers, because they
2 service, they service general ed students,
3 but they also service special ed
4 students --

5 THE STENOGRAPHER: They
6 service what?

7 THE WITNESS: I'm sorry, they
8 service general education students,
9 I'm sorry, I abbreviated education.
10 They service as general education
11 students as well as special needs.
12 And from those conversations,
13 that's where the percentage came
14 in.

15 BY MR. KARP:

16 Q. Ms. Pettiford reached out to
17 CarePlus to ask them questions about how
18 much time they spent offering mental health
19 services relating to social media?

20 A. I don't think she reached out
21 and asked, I think it was from a
22 conversations that she's had. So would she
23 be calling them, which she be getting
24 information with the counselors and would
25 they be expressing that to counselors or

CONFIDENTIAL

Page 308

1 HSSCs, yes, they would.

2 Education, special education
3 department, Dr. Wilson, they would have
4 spoken to Dr. Wilson about what they find
5 themselves spending time doing. They
6 may -- I mean, yes.

7 Q. Sorry.

8 A. You're welcome.

9 Q. I didn't realize you were
10 done, thank you. Did IPS review any
11 CarePlus records regarding the services
12 that were offered to IPS students to
13 determine what percentage of those services
14 related to social media?

15 A. No, they would not have.

16 Q. Does IPS have access to
17 CarePlus records for the services they're
18 providing to referrals?

19 MR. INNES: Objection to form.

20 THE WITNESS: I believe
21 CarePlus lets us know how many
22 students that they service, but
23 certain information may be
24 confidential. So I wouldn't be
25 able to say, I serviced April for

CONFIDENTIAL

Page 309

1 this, this, and this, but I would
2 say, I serviced April and I could
3 speak to things in a more broad
4 sense.

5 BY MR. KARP:

6 Q. Sitting here today, does the
7 district know if CarePlus charges more
8 money based on the number of referrals it
9 gets from IPS?

10 MR. INNES: Objection to form.

11 THE WITNESS: I would say that
12 as their work increases and there's
13 more students who are referred,
14 then, yes, they would.

15 BY MR. KARP:

16 Q. When you say that you would
17 say, is it something --

18 A. Yes.

19 Q. -- that you know?

20 A. Yes, that as they let us know
21 that they are working more, they would
22 increase costs.

23 Q. So the district's testimony
24 is that CarePlus charges a fee or some
25 amount of money per student that it serves?

CONFIDENTIAL

Page 310

1 A. No, I wouldn't say that.

2 Q. What's -- what am I missing,
3 because I --

4 A. Okay.

5 Q. -- am clearly not following?

6 A. Okay. So if I'm saying that
7 my time is increased, I might say that I'm
8 servicing more students. I might say that
9 I'm doing more as it relates to students,
10 but saying we -- there are -- let me see,
11 how do I say this? I wouldn't say that
12 they would say just because they've
13 increased their services to students, but
14 that would be part of the reason why they
15 would increase prices.

16 Q. Does the district know if
17 CarePlus charges a flat rate or a flat fee
18 for the services it offers in a given
19 school year?

20 MR. INNES: Objection to form.

21 THE WITNESS: Yes, they charge
22 us a price, a set price for the
23 year.

24 BY MR. KARP:

25 Q. So in that year, regardless

CONFIDENTIAL

Page 311

1 of whether CarePlus sees 20 students who
2 have been referred or two students who have
3 been referred, the district is paying the
4 same amount of money?

5 A. Yes.

6 MR. INNES: Objection to form.
7 Lacks sound evidence.

8 BY MR. KARP:

9 Q. Let's look at GoGuardian as
10 another example listed here.

11 A. Yes.

12 Q. We discussed earlier
13 GoGuardian is one of the -- one of the
14 safeguards that the district employs
15 regarding internet usage at IPS, correct?

16 A. Yes.

17 Q. Okay. And we discussed the
18 many different types of sites that
19 GoGuardian was designed to block, correct?

20 A. Yes.

21 Q. We also discussed that
22 GoGuardian is part of -- is one way in
23 which the district complies with CIPA,
24 correct?

25 A. Yes.

CONFIDENTIAL

Page 312

1 Q. And that is in order to
2 get -- strike that.

3 And that by being CIPA
4 compliant, the district is able to get
5 certain government funding?

6 MR. INNES: Objection to form.

7 THE WITNESS: Yes.

8 BY MR. KARP:

9 Q. Without social media, would
10 the district still be using GoGuardian?

11 A. I'm sorry, say that again.

12 Q. If IPS students did not use
13 social media, would the district still be
14 using GoGuardian?

15 A. Yes.

16 Q. Is that the same for Palo
17 Alto as well?

18 A. Yes.

19 Q. The content filter and
20 firewall?

21 A. Yes.

22 Q. Let's talk about Generations
23 Family Guidance, LLC. We discussed that
24 program earlier?

25 A. Yes.

CONFIDENTIAL

Page 313

1 Q. What's the basis, what's the
2 district's basis for contending that
3 20 percent of the time that -- or strike
4 that.

5 What's the district's basis
6 for saying that 20 percent of what it pays
7 for Generations Family Guidance should be
8 allocated to social media harms?

9 A. Because while its primary
10 role was not intended to deal with issues
11 that arise as it relates to sharing and
12 liking and posts on social media, it finds
13 that it is in fact these issues are coming
14 up.

15 Q. How does the district know
16 that?

17 A. From the conversations that
18 the staff have had with the staff of
19 Generations.

20 Q. IPS has reached out to the
21 staff of Generations Family Guidance to ask
22 how much of their time is spent on social
23 media-related issues?

24 MR. INNES: Objection to form,
25 misstates prior testimony.

CONFIDENTIAL

Page 314

1 MR. KARP: I'm asking a
2 question, have they done that?

3 THE WITNESS: No, they didn't
4 reach out and ask them that
5 specific question.

6 BY MR. KARP:

7 Q. The district's testimony is
8 that based on --

9 A. Through the normal course
10 of -- I'm sorry. Sorry. Sorry, sorry,
11 sorry. I'm being a teacher, sorry, I'll be
12 quiet.

13 Q. No problem. The district's
14 testimony is that 20 percent is an
15 approximation based on conversations that
16 people who have worked with Generations
17 Family Guidance have had with the staff for
18 Generations Family Guidance?

19 MR. INNES: Objection to form.

20 THE WITNESS: I think much
21 like when they sit and they have
22 conversations about things that
23 they're noticing, whether it is a
24 natural conversation or one where
25 they do some type of debriefing or

CONFIDENTIAL

Page 315

1 talking about the relevancy of
2 their organization for our needs,
3 that that came up in conversations
4 or in meetings or discussions.

5 BY MR. KARP:

6 Q. Is it the district's
7 testimony that staff from Generations
8 Family Guidance has told the district we
9 spend 20 percent of our time addressing
10 social media-related issues?

11 MR. INNES: Objection to form.
12 Misstates prior testimony.

13 THE WITNESS: I would say that
14 they didn't say we spend 20 percent
15 or when we estimate from all of the
16 different things that they deal
17 with that 20 percent of the time
18 was dealt with that, has dealt with
19 that.

20 BY MR. KARP:

21 Q. And, specifically, what about
22 that information tells the district that
23 20 percent is the right number?

24 MR. INNES: Objection to form.

25 THE WITNESS: So if someone

CONFIDENTIAL

Page 316

1 from Generations Family Guidance is
2 talking about what they're doing
3 with the students, and as they go
4 through, and they notice that that
5 percentage is a constant, that it's
6 a constant mentioning of, we had to
7 deal with how social media is
8 making the children feel about
9 themselves, body images, dynamics
10 within families, and that they're
11 noticing things that juxtapose to
12 their realities that they're
13 noticing on social media, that's
14 where the 20 percent would have
15 come from.

16 BY MR. KARP:

17 Q. When did those conversations
18 occur?

19 MR. INNES: Objection to form.

20 THE WITNESS: I believe these
21 were conversations that were --
22 they're fluid. They probably go on
23 all the time as far as how -- what
24 they're doing and the different
25 things that are affecting what they

CONFIDENTIAL

Page 317

1 do within their capacity.

2 BY MR. KARP:

3 Q. For any of the weight
4 percentages or percent allocations that are
5 indicated in Exhibit A for IPS staff or
6 Exhibit B for the vendors who provide
7 services to IPS, did IPS reach out to any
8 of those individuals to ask them what
9 percentage of their time is spent
10 addressing issues that they believe relate
11 to social media?

12 MR. INNES: Objection to form.
13 You're asking the question about
14 the two different exhibits, same
15 question?

16 MR. KARP: I am.

17 MR. INNES: Okay. Compound,
18 vague, ambiguous.

19 MR. KARP: You may answer.

20 THE WITNESS: Okay. So I
21 would not say that they called each
22 of these entities and said how much
23 of your day is spent based upon
24 social media.

25

CONFIDENTIAL

Page 318

1 BY MR. KARP:

2 Q. For any of these vendors
3 listed on Exhibit B, did -- did they ever
4 tell the district this is the percent of
5 time that we spend addressing issues that
6 we attribute to social media?

7 MR. INNES: Objection, asked
8 and answered several times.

9 MR. KARP: You may answer.

10 THE WITNESS: I believe that
11 there's -- this is an
12 approximation. This is not them
13 calling them and they told them I
14 spent whatever percentage is listed
15 here.

16 BY MR. KARP:

17 Q. This is the district making a
18 determination based on -- or strike that.

19 Let's focus on Exhibit A for
20 a minute. There are various percentile
21 allocations and weight percentages
22 indicated here on this page?

23 A. Yes.

24 Q. Earlier we talked about the
25 fact that students at IPS can use their

CONFIDENTIAL

Page 319

1 cell phones at lunch?

2 A. Yes.

3 Q. Would these percent
4 allocations be lower if students were not
5 permitted to use their cell phones during
6 their lunch periods?

7 A. No.

8 MR. INNES: Objection to form.

9 THE WITNESS: No, I don't
10 believe so.

11 BY MR. KARP:

12 Q. Why not?

13 A. Because we're talking about
14 the -- the effects of the students'
15 behaviors outside of where it is
16 permissible. So that's why it wouldn't be
17 inclusive of lunch period necessarily. I
18 mean, I don't know of -- I don't know of --
19 I guess maybe I should just ask you what
20 exactly do you mean?

21 Q. Is it the district's
22 understanding that IPS students use social
23 media during their lunch periods?

24 A. Yes.

25 Q. Okay. And if students were

CONFIDENTIAL

Page 320

1 not on their phones using social media, as
2 the district believes, during their lunch
3 periods, would the percent allocation
4 numbers on this Exhibit A be lower?

5 MR. INNES: Objection. Calls
6 for speculation.

7 THE WITNESS: I wouldn't say
8 that they would lower, no.

9 BY MR. KARP:

10 Q. Even if that meant that
11 students were -- IPS students were using
12 social media less.

13 A. Yes, during lunch, during the
14 lunch -- you're talking about the lunchtime
15 where it's permitted to, yes. Yes, I
16 wouldn't -- yes, I'm saying my answer is
17 no, the percentage wouldn't change.

18 Q. If students, just to make
19 sure that we're on the same page.

20 A. Uh-huh.

21 Q. If students were not
22 permitted to use their cell phones during
23 their lunch periods, would they be able to
24 use social media during their lunch
25 periods?

CONFIDENTIAL

Page 321

1 MR. INNES: Objection.

2 Assumes facts not in evidence.

3 Calls for speculation. You can
4 answer.

5 THE WITNESS: Okay. So can
6 you ask me again?

7 BY MR. KARP:

8 Q. If the school's policy -- or
9 rather strike that.

10 If the district's policy was
11 that IPS students were not permitted to
12 take out their phones at lunch and use them
13 during lunch, would IPS students be able to
14 access social media during their lunch
15 periods?

16 MR. INNES: Objection.

17 Assumes facts not in evidence.

18 Calls for speculation. Compound.

19 MR. KARP: You can answer.

20 THE WITNESS: You want me to
21 answer? So, okay, can you ask
22 that -- it seems a little different
23 than the first one, you're asking
24 would the percentages be less if
25 students weren't allowed to be on

CONFIDENTIAL

Page 322

1 social media during their lunch
2 periods?

3 BY MR. KARP:

4 Q. Yes.

5 A. No, I don't believe so.

6 Q. Why not?

7 A. Because when we talk about
8 the amount of time that we're allocating to
9 on this, on Exhibit A, it's not considering
10 lunchtime. It's not considering lunchtime
11 usage as encumbering the teachers' time.

12 So when we say, for example,
13 looking at the percentages, 35 percent of
14 the -- no, that's not a good example. I'm
15 trying to pull up a teacher. So if we
16 picked any of the teachers, and we say that
17 20 percent of their time is being used,
18 we're talking about in class while they are
19 supposed to be doing schoolwork, they are
20 being or the teachers are supposed to be
21 teaching, they are prohibited from doing
22 that because students in the class are on
23 the platforms. We're not talking about, we
24 would not include lunchtime data.

25 Q. The district's position is

CONFIDENTIAL

Page 323

1 that student use of social media during
2 their lunch periods does not affect the
3 percent allocations that are included on
4 Exhibits A and B?

5 MR. INNES: Objection to form.

6 THE WITNESS: We're saying
7 that this percentage is things
8 happening in the class that are
9 deviating them away from their
10 primary role. Could there have
11 been something that happened in
12 lunch, it could be. It could have
13 been the night before. It could
14 have been two days before. But
15 we're just saying what exactly
16 happens in the classroom.

17 BY MR. KARP:

18 Q. Is the district's position
19 that social media use during lunch breaks
20 and outside of school, when class is not in
21 session, does not affect the percent
22 allocations that are listed in Exhibits A
23 and B?

24 MR. INNES: Objection to form.

25 THE WITNESS: Yes, we're

CONFIDENTIAL

Page 324

1 saying that.

2 MR. KARP: I think we're at a
3 good breaking point just to confirm
4 that we're about to close out.

5 MR. INNES: Okay. So you want
6 to speak with your co-counsel,
7 figure out if they're going to ask
8 questions, and then come back?

9 MR. KARP: Correct.

10 MR. INNES: Cool.

11 THE VIDEOGRAPHER: Want to go
12 off the record?

13 MR. KARP: Off the record,
14 please.

15 THE WITNESS: The time right
16 now is 4:35 p.m. We are off the
17 record.

18 - - - - -

19 (A recess was taken at this time.)

20 - - - - -

21 THE VIDEOGRAPHER: The time
22 right now is 5:25 p.m. We're back
23 on the record.

24 BY MR. KARP:

25 Q. Welcome back, Dr. Vauss.

CONFIDENTIAL

Page 325

1 A. Thank you.

2 Q. Does IPS -- does the number
3 of teachers that IPS hires depend on the
4 number -- the amount of social media its
5 students are using?

6 MR. INNES: Objection to form.

7 THE WITNESS: Can you ask that
8 again?

9 BY MR. KARP:

10 Q. Yeah. Does the number of
11 teachers that IPS hires depend on the
12 amount of social media its students are
13 using?

14 A. No.

15 MR. INNES: Objection to form.

16 BY MR. KARP:

17 Q. Does IPS pay its teachers
18 more money based on how much social media
19 students are using?

20 MR. INNES: Objection to form.

21 THE WITNESS: No.

22 MR. KARP: I believe that's
23 all the questions that I have and I
24 turn it over to my Codefendants.
25

CONFIDENTIAL

Page 326

1 BY MS. SHOWALTER:

2 Q. Thank you. This is an Annie
3 Showalter from Williams and Connolly. I
4 represent the YouTube Defendants. How are
5 you, Dr. Vauss?

6 A. I'm well. Thank you.

7 Q. Can you hear me okay?

8 A. I can.

9 Q. Great. I think I just have a
10 couple of questions for you.

11 Doctor, are you aware that
12 Irvington has a YouTube account?

13 A. Yes.

14 Q. Do you know who is in charge
15 of managing Irvington's YouTube channel?

16 A. I don't know specifically.

17 Q. If I wanted to figure that
18 out, who would be the best person to ask?

19 A. John Amberg, our executive
20 director for technology.

21 Q. Would you defer to Mr.
22 Amberg, who was deposed earlier this week,
23 as to questions about the management of
24 Irvington's YouTube channel?

25 THE STENOGRAPHER: Wait a

CONFIDENTIAL

Page 327

1 minute, as to questions about?

2 There was something going on.

3 There were questions about?

4 MS. SHOWALTER: The management
5 of Irvington's YouTube channel.

6 MR. INNES: Counsel, that's
7 an -- this is counsel for the
8 district, that's an entirely
9 inappropriate question. The
10 witness is here. She's designated
11 for the topic. She's prepared to
12 testify on those topics. I was --
13 I did not have a conversation with
14 you about this, but this sounds a
15 lot like what counsel for Snap --

16 MS. SHOWALTER: You have to
17 make a record, Counsel, I
18 understand.

19 BY MS. SHOWALTER:

20 Q. Dr. Vauss, did you speak
21 to --

22 MR. INNES: I'm not done. I'm
23 not done.

24 MS. SHOWALTER: Okay. Please
25 continue.

CONFIDENTIAL

Page 328

1 MR. INNES: This sounds
2 exactly like the proposal that you
3 all made to us and that we turned
4 down.

5 BY MS. SHOWALTER:

6 Q. I'm going to ask a different
7 question, counsel, may I move on?

8 Dr. Vauss, did you speak to
9 Mr. Amberg in preparing to testify today?

10 A. Yes.

11 Q. Did you speak to him about
12 Irvington's YouTube channel?

13 A. I did not.

14 Q. Are you aware that
15 Irvington's YouTube channel includes access
16 to features like likes?

17 MR. INNES: Objection to form.

18 THE STENOGRAPHER: Like what?

19 MR. KARP: Likes.

20 THE WITNESS: I would say I
21 did not know that, no.

22 BY MS. SHOWALTER:

23 Q. Do you know whether Irvington
24 has ever sought to disable features,
25 including likes, on its own YouTube

CONFIDENTIAL

Page 329

1 channel?

2 MR. INNES: Objection to form.

3 THE WITNESS: No, I don't.

4 BY MS. SHOWALTER:

5 Q. If Irvington thought its
6 YouTube posts could harm students, would it
7 refrain from posting content on its YouTube
8 channel?

9 MR. INNES: Objection to form.

10 THE WITNESS: Would Irvington
11 discontinue posting if they thought
12 their posts would harm students?

13 MS. SHOWALTER: Correct.

14 THE WITNESS: Yes.

15 BY MS. SHOWALTER:

16 Q. Are you aware that Irvington
17 posted to its YouTube channel as recently
18 as three weeks ago?

19 MR. INNES: Objection.

20 Outside the scope. You can answer.

21 THE WITNESS: No.

22 BY MS. SHOWALTER:

23 Q. Are you familiar with Google
24 Workspace for Education, Dr. Vauss?

25 A. Yes.

CONFIDENTIAL

Page 330

1 Q. Does Irvington use Google
2 Workspace for Education?

3 A. Yes.

4 Q. Does it use a free or a paid
5 version?

6 A. I'm not sure if ours is paid
7 or free.

8 Q. Did you speak to Mr. Amberg
9 about Irvington's use of Google Workspace
10 for Education in preparation for your
11 deposition on topic seven today?

12 A. No, I did not.

13 THE EXHIBIT TECH: She appears
14 frozen. She just dropped.

15 MR. KARP: Can we go off the
16 record because she dropped off --

17 THE VIDEOGRAPHER: The time
18 right now is 5:30 p.m. We are off
19 the record.

20 - - - - -

21 (Discussion was held off the record.)

22 - - - - -

23 THE VIDEOGRAPHER: The time
24 right now is 5:35 p.m. We are back
25 on the record.

CONFIDENTIAL

Page 331

1 BY MS. SHOWALTER:

2 Q. Dr. Vauss, am I correct that
3 you are not aware of whether Irvington
4 schools have paid or free access to Google
5 Workspace for Education?

6 A. I believe --

7 MR. INNES: Objection to form.

8 THE WITNESS: Oh, sorry. I
9 believe we have a paid platform. I
10 know I said -- I'm amending my
11 answer when you were last on, I
12 know we pay for the Google
13 Workspace. We use that as one of
14 our platforms to kind of help
15 things stay safe. And I know that
16 we use a compilation of the Google
17 Suites.

18 BY MS. SHOWALTER:

19 Q. Do you know whether Irvington
20 has chosen to enable YouTube access through
21 its Google Workspace for Education account
22 or not?

23 MR. INNES: Objection to form.

24 THE WITNESS: Yes, we have
25 enabled it. We do use it as an

CONFIDENTIAL

Page 332

1 educational tool.

2 BY MS. SHOWALTER:

3 Q. So does that access extend to
4 students?

5 MR. INNES: Objection to form.

6 THE WITNESS: No, it has to --
7 so when I say, we give access, it
8 is something where you have to be
9 allowed by our tech directors or
10 the tech coaches, you have to get
11 approval. If you put it within
12 your lesson plans that you're going
13 to use a specific YouTube site, it
14 has to be vetted by the
15 administrator in charge of checking
16 your specific lesson plan and
17 ensure that it really has some
18 relevance to what it is that you're
19 trying to teach and then you're
20 able to use it.

21 BY MS. SHOWALTER:

22 Q. Understood. So am I correct
23 that teachers can seek to have YouTube
24 videos whitelisted for use in lesson plans?

25 MR. INNES: Objection to form.

CONFIDENTIAL

Page 333

1 THE WITNESS: Yes. If
2 whitelisted you mean making it okay
3 to use for their specific lesson
4 content, then that --

5 MS. SHOWALTER: Yes.

6 THE WITNESS: Then that would
7 be a yes.

8 BY MS. SHOWALTER:

9 Q. That's correct. And has that
10 been the practice at Irvington at least
11 since 2015?

12 MR. INNES: Objection to form.

13 THE WITNESS: I wouldn't be
14 able to speak that that was our
15 practice in 2015, because I don't
16 think that there was enough
17 information known about YouTube. I
18 think as time evolved and seeing it
19 being used in lots of ways that are
20 not educational that it has a cause
21 for that adjustment.

22 BY MS. SHOWALTER:

23 Q. Meaning that before the
24 whitelisting practice went into effect,
25 there may or may not have been broader

CONFIDENTIAL

Page 334

1 access to YouTube, you're not sure?

2 A. Yes.

3 MR. INNES: Objection to form.

4 THE WITNESS: I'm sorry. Yes.

5 MS. SHOWALTER: I pass the
6 witness.

7 MR. KARP: Anyone else on Zoom
8 have questions?

9 MR. SEXTON: How much time is
10 left?

11 THE VIDEOGRAPHER: Six
12 minutes -- I'm sorry, we have been
13 on the record for five hours and 54
14 minutes.

15 MR. SEXTON: Hi, Dr. Vauss,
16 this is Terry Sexton for Meta. I'm
17 not going to ask you any questions
18 at this time.

19 THE WITNESS: Thank you,
20 Terry.

21 MR. KARP: We pass -- anyone
22 else on Zoom? We pass the witness.

23 MR. INNES: Okay. Let me flip
24 over that side.

25 THE VIDEOGRAPHER: Do you want

CONFIDENTIAL

Page 335

1 to go off the record, counsel?

2 MR. KARP: Make sure we have
3 an accurate time count.

4 MR. INNES: Yeah.

5 THE VIDEOGRAPHER: The time
6 right now is 5:39 p.m. We are off
7 the record.

8 - - - - -

9 (Discussion was held off the record.)

10 - - - - -

11 THE VIDEOGRAPHER: The time
12 right now is 5:42 p.m. We are back
13 on the record.

14 BY MR. INNES:

15 Q. Good evening, Dr. Vauss. We
16 know each other, but for the record, my
17 name is Michael Innes. I represent the
18 district in this matter. Thank you for
19 being here.

20 A. You're welcome.

21 Q. It has been a long day and I
22 just want to ask you, now it's my turn to
23 ask you questions to follow up on the
24 questions that counsel for Defendants
25 asked.

CONFIDENTIAL

Page 336

1 A. Yes.

2 Q. Earlier today, you testified
3 that students or scholars spend between 12
4 and 20 hours on their cell phones a day.
5 Do you remember that?

6 A. Yes.

7 Q. And then you also walked us
8 through how you came to that calculation --
9 that calculation.

10 Do you recall that?

11 A. Yes.

12 Q. And I wanted to drill down on
13 that a little bit more.

14 A. Okay.

15 Q. Were you describing the
16 average student when saying 12 to 20?

17 A. No.

18 MR. KARP: Object to form.
19 And an objection for one is an
20 objection for all?

21 MR. INNES: Absolutely.

22 THE WITNESS: Sorry.

23 BY MR. INNES:

24 Q. I can ask you the question
25 again. So, Dr. Vauss, when you testified

CONFIDENTIAL

Page 337

1 earlier that students or scholars spend
2 between 12 and 20 hours on their cell
3 phones, were you referring to the average
4 student?

5 A. No, that was the extreme
6 situations, extreme cases.

7 Q. Okay. So could you provide
8 an estimate of how many hours a day the
9 average student at Irvington Public Schools
10 spends on their cell phone?

11 MR. KARP: Object to form.

12 THE WITNESS: I would say
13 seven to eight hours.

14 BY MR. INNES:

15 Q. Thank you. Dr. Vauss, you
16 testified earlier today about a fairly
17 disturbing story of a student posting a
18 nude image on social media.

19 Do you remember that?

20 A. Yes.

21 Q. Dr. Vauss, I think you also
22 testified that student was in this
23 building; is that right?

24 A. Yes.

25 MR. KARP: Object to form.

CONFIDENTIAL

Page 338

1 What building are we in?

2 MR. INNES: I'm sorry?

3 MR. KARP: What building are
4 we in?

5 BY MR. INNES:

6 Q. I'm going to get there. And,
7 Dr. Vauss, can you tell the building what
8 building we are in right now?

9 A. University Elementary School
10 as well as the Irvington Board of Ed.

11 Q. Okay. So you when you
12 testified that the student was in this
13 building, were you referring to go her
14 being a student in the elementary school?

15 A. Yes.

16 Q. And do you recall about the
17 age of that student or scholar, I should
18 say, at the time of that incident?

19 A. Between seven and eight.

20 Q. And do you recall testifying
21 that that scholar posted via her own
22 account?

23 A. Yes.

24 MR. KARP: Object to form.

25 Sorry.

CONFIDENTIAL

Page 339

1 BY MR. INNES:

2 Q. Dr. Vauss, is it fair to say
3 that a scholar between the ages of seven
4 and eight had a social media account in
5 which they posted a nude photo?

6 A. Yes.

7 Q. Dr. Vauss, is it the
8 district's position that a seven- or
9 eight-year-old should be able to have an
10 account on social media?

11 MR. KARP: Object to form.

12 THE WITNESS: I would say no,
13 we don't believe that they should
14 and we wish that there were more
15 safety precautions taken by social
16 media platforms to ensure that
17 scholars would not be able to set
18 up these accounts.

19 BY MR. INNES:

20 Q. Thank you, Doctor. Doctor,
21 you'll also recall questions from Mr. Karp
22 regarding drinking water in the district.

23 A. Yes.

24 Q. And I believe it was your
25 testimony that signs had been placed above

CONFIDENTIAL

Page 340

1 wash basins since as early as 2005; is that
2 correct?

3 A. Yes.

4 Q. And, Dr. Vauss, in
5 preparation for your 30(b)(6) testimony on
6 behalf of the district, did you have
7 opportunity to ask anyone about whether or
8 not "do not drink water" signs were posted
9 above drinking fountains?

10 A. Yes, I did.

11 MR. KARP: Object to form.

12 THE WITNESS: Oh, sorry, yes.

13 BY MR. INNES:

14 Q. And what -- and who are those
15 folks?

16 A. I spoke to our associate
17 business administrator, Roger Monel, and
18 our supervisor of custodians, Zorana
19 Figueroa.

20 Q. Okay. What did Mr. Monel
21 tell you when you inquired about the
22 placement of drinking water signs above
23 fountains?

24 A. It was, his recollection was
25 to dissuade anyone from using the water

CONFIDENTIAL

Page 341

1 basins or the wash basins for drinking and
2 to in turn by proxy encourage them to use
3 the water fountains.

4 Q. So Irvington Public Schools
5 has water fountains available for students
6 to use?

7 A. Yes, that's correct.

8 Q. At any point in time, has a
9 sign been posted above any of those water
10 fountains saying do not drink the water?

11 A. No.

12 Q. To your knowledge, is the
13 water that flows into the wash basins the
14 same as the water that comes out of the --
15 pardon me, I'll start again, a little
16 ambient noise.

17 To your knowledge, is the
18 water that flows from the taps in the wash
19 basin the same as the water that flows into
20 the drinking fountains?

21 A. Yes.

22 Q. Based on your conversations
23 in preparation for this deposition, did you
24 learn that the water was unsafe?

25 MR. KARP: Object to form.

CONFIDENTIAL

Page 342

1 THE WITNESS: No.

2 BY MR. INNES:

3 Q. Did you learn that the water
4 was in fact safe for drinking?

5 A. Yes.

6 Q. And has that been true for
7 the entire relevant time period?

8 A. Yes.

9 Q. Thank you. Dr. Vauss, you'll
10 recall that counsel for Snap also asked you
11 about cyberbullying, do you recall?

12 A. Yes.

13 Q. And his questions were
14 limited to content involving cyberbullying;
15 is that right?

16 MR. KARP: Object to form.

17 THE WITNESS: Yes.

18 BY MR. INNES:

19 Q. Okay. Dr. Vauss, is it the
20 district's position that cyberbullying can
21 occur via like features on social media?

22 A. Yes, they -- yes.

23 Q. Is it the district's position
24 that cyberbullying has occurred via the
25 share function on social media platforms?

CONFIDENTIAL

Page 343

1 A. Yes.

2 Q. Is it the district's
3 experience that cyberbullying has occurred
4 through the ability of individuals to post
5 anonymously on social media?

6 MR. KARP: Object to form.

7 THE WITNESS: Yes.

8 BY MR. INNES:

9 Q. You also in a related line of
10 questioning remember there is an acronym of
11 WWGS?

12 A. Yes.

13 Q. Can you tell the jury what
14 WWGS is?

15 A. What would grandma say.

16 Q. And is it the -- what would
17 grandma say about cyberbullying?

18 MR. KARP: Object to form.

19 THE WITNESS: So grandma would
20 say that you should not post bad
21 things, but you should also not
22 share bad things. You shouldn't
23 post fights. But you shouldn't
24 share them. You shouldn't like
25 them. You shouldn't try to enhance

CONFIDENTIAL

Page 344

1 photos that are bad photos by using
2 features. All of those things
3 would be within what grandma would
4 say not to do with social media.

5 BY MR. INNES:

6 Q. And there actually isn't a
7 grandma, right?

8 A. No.

9 MR. KARP: Object to form.

10 BY MR. INNES:

11 Q. Can you explain what the
12 acronym, what would grandma says mean?

13 A. So, basically what -- you
14 know, most people look up to their
15 grandparents and they care about what their
16 grandma says, so they would say what would
17 you say if your grandma was here. So it's
18 the metaphor for doing the right thing when
19 no one is watching.

20 Q. Thank you, Dr. Vauss.

21 A. You're welcome.

22 Q. You'll also recall Mr. Karp
23 asking you about a code of conduct.

24 Do you remember that?

25 A. Yes.

CONFIDENTIAL

Page 345

1 Q. Okay. And this is -- my
2 question isn't about the actual code of
3 conduct. My question is more to is there a
4 difference in Irvington Public Schools --
5 strike that.

6 Irvington Public Schools has
7 a code of conduct; is that right?

8 A. Yes.

9 Q. And Irvington Public Schools
10 also has policies; is that correct?

11 A. Yes.

12 Q. Are policies and the code of
13 conduct the same thing?

14 A. No.

15 Q. Can you explain that to the
16 jury, please?

17 A. So there are the ideal ways
18 in which we would want scholars to behave
19 and we set forth a structure to keep things
20 within that, but also in a broader sense,
21 in our policies and our practices is that
22 we want our administration specifically,
23 but teachers as well, to use common sense
24 when applying some of these, these ethos.

25 Q. Thank you, Doctor. Along

CONFIDENTIAL

Page 346

1 those same lines, does each school have a
2 separate handbook?

3 MR. KARP: Object to form.

4 THE WITNESS: Yes.

5 BY MR. INNES:

6 Q. And, Dr. Vauss, can you
7 describe to the jury in general terms what
8 a school handbook might be?

9 A. So a handbook is things that
10 are specific, for example, an elementary
11 student handbook would be different than
12 one that would be for the high school. So
13 if, by chance, as it relates to what we
14 have been talking about, an elementary
15 student is seen with a cell phone in their
16 hand, they wouldn't be suspended. They
17 would be -- maybe they might ask for it,
18 maybe they might say put it away, and then
19 that would be the end of the incident.

20 Q. Dr. Vauss --

21 A. I was going to say and then
22 when you talk about the high school, so
23 many students do have cell phones that if
24 every time we had a parent-teacher
25 conference, we had a suspension, as it

CONFIDENTIAL

Page 347

1 relates to having a cell phone, then we
2 would be spending all of our time meeting
3 with parents about just physically the
4 phone itself. And we would not get
5 anything accomplished.

6 Q. And, Dr. Vauss, that reminds
7 me of some testimony you gave about
8 incident reports.

9 Do you remember that?

10 A. Yes.

11 MR. KARP: Object to form.

12 BY MR. INNES:

13 Q. And do you remember testimony
14 that you provided regarding policies about
15 cell phone use?

16 A. Uh-huh.

17 MR. KARP: Object to form.

18 THE WITNESS: Yes.

19 BY MR. INNES:

20 Q. Dr. Vauss --

21 MR. KARP: Are you saying
22 today or at some other point in
23 time?

24 BY MR. INNES:

25 Q. I'm saying today, yeah. This

CONFIDENTIAL

Page 348

1 is all -- I'm asking this witness in her
2 capacity as the corporate designee.

3 And so let me start again,
4 Dr. Vauss. In your role today at this
5 deposition, you provided testimony about
6 incident reports; is that correct?

7 A. Yes.

8 Q. And you also provided
9 testimony about policies related to those
10 incident reports, do you recall?

11 A. Yes, yes.

12 Q. And specifically policies
13 related to cell phone use?

14 A. Yes.

15 Q. Dr. Vauss, if the district
16 were to -- well, strike that.

17 If teachers and
18 administrators were to file incident
19 reports for every time a student had a cell
20 phone outside of their backpack or in the
21 open, what would the result be?

22 MR. KARP: Object to form.

23 THE WITNESS: We would be
24 spending a lot of time collecting
25 cell phones and having parent

CONFIDENTIAL

Page 349

1 conferences and pulling children
2 out of class for instruction and we
3 would be negatively impacted
4 academically, to say the least,
5 because we're spending our time
6 meeting and conferencing about
7 students having cell phones.

8 BY MR. INNES:

9 Q. So those students may have to
10 be pulled out of class and lose valuable
11 instructional time?

12 A. Yes.

13 Q. Dr. Vauss, one of the last
14 questions that Mr. Karp asked you at the
15 end of today was, "Is the district's
16 position that social media use during lunch
17 breaks and outside of school in classes not
18 in session does not affect the percent
19 allocations that are listed in exhibits A
20 and B?"

21 Do you recall that question?

22 A. I do.

23 Q. And you answered, "Yes, we're
24 saying that."

25 Do you recall that answer?

CONFIDENTIAL

Page 350

1 A. I do.

2 Q. Okay. Doctor, is there
3 anything you would like to add?

4 A. I believe I misunderstood his
5 question. So if our students wasn't -- if
6 they weren't on social media before the
7 school day started, during the school day,
8 at lunch, after school, we wouldn't be
9 having the issues that we're having with
10 our scholars, not all of the issues. And
11 particularly some of the things that we've
12 mentioned here today, cyberbullying,
13 inappropriate pictures being up, people
14 sharing those things, people enhancing
15 photos and sharing throughout their cliques
16 and their circles, so, yes, I misunderstood
17 what he meant. The numbers would be lower
18 if we weren't using social media before,
19 after, during the school day, or at lunch.

20 Q. So just so I have this right,
21 your testimony -- the district's testimony
22 is that if scholars were not using social
23 media in the ways that you've articulated,
24 that the percentage applied in the Exhibit
25 A would go down?

CONFIDENTIAL

Page 351

1 A. Yes.

2 MR. KARP: Object to form.

3 THE WITNESS: Sorry, yes.

4 BY MR. INNES:

5 Q. Okay. And, Dr. Vauss, the
6 estimates that you have placed in Exhibit
7 A, would you describe those as -- well, how
8 would you describe them? Are they
9 conservative?

10 A. I would say --

11 MR. KARP: Object to form.

12 THE WITNESS: I would say yes.

13 BY MR. INNES:

14 Q. Thank you, let me just take a
15 look.

16 Dr. Vauss, are you -- strike
17 that.

18 Dr. Vauss, you'll recall
19 that Mr. Karp asked you questions about
20 social media policies, do you recall?

21 A. Yes.

22 Q. Okay. And those policies
23 address the use of social media at the
24 school; is that correct?

25 A. Yes.

CONFIDENTIAL

Page 352

1 Q. And, Dr. Vauss, are you
2 familiar with a platform called ClassDojo?

3 A. Yes, I am.

4 Q. Is the district aware of a
5 platform called ClassDojo?

6 A. Yes.

7 Q. And does the district
8 consider ClassDojo to be social media?

9 A. Yes.

10 MR. INNES: Thank you. No
11 further questions at this time.
12 Andrew, I can pass Ms. Vauss back
13 to Defendants.

14 MR. KARP: Could I just use
15 the bathroom real quick?

16 MR. INNES: Yeah, sure.

17 THE VIDEOGRAPHER: The time
18 right now is 5:57 p.m. We are off
19 the record.

20 - - - - -

21 (A recess was taken at this time.)

22 - - - - -

23 THE VIDEOGRAPHER: The time
24 right now is 6:02 p.m. We're back
25 on the record.

CONFIDENTIAL

Page 353

1 BY MR. KARP:

2 Q. Dr. Vauss, welcome back.

3 A. Thank you.

4 Q. I'm just going to follow up
5 on a few of the questions that your counsel
6 asked.

7 A. Yes.

8 Q. You testified a minute ago
9 that the district's understanding is that
10 the average Irvington Public School student
11 spends between seven and eight hours on a
12 cell phone daily?

13 A. Yes.

14 Q. What's the basis for that?

15 A. I believe if we -- from what
16 the teachers and what I think is reasonable
17 for what they would have -- would be able
18 to observe, that is the window of time. I
19 think the 12 to 20 time is extreme
20 situations. Do they exist, yes, but on
21 average, I believe a lot of our students
22 have social media and they are not stopping
23 social media when they come to school. And
24 when they're on their lunch breaks, they're
25 on social media and during class time. And

CONFIDENTIAL

Page 354

1 on average, although you asked for and 8:00
2 to 3:00 window, the exact time that they're
3 usually in instruction is, like, 6.5 amount
4 of time, so I would say around seven to
5 eight hours.

6 Q. Thank you. Has the district
7 done any -- has the district ever done any
8 research on how much time IPS students
9 spend on their cell phones daily?

10 MR. INNES: Objection. Asked
11 and answered.

12 THE WITNESS: No.

13 BY MR. KARP:

14 Q. Has the district done any
15 study to substantiate the number seven to
16 eight hours of cell phone use for the --
17 for an average Irvington Public School
18 student daily?

19 A. No.

20 Q. Is the district aware of any
21 literature that indicates that the average
22 student in the United States spends between
23 seven and eight hours on their cell phones
24 daily?

25 A. No.

CONFIDENTIAL

Page 355

1 Q. Is the district aware of any
2 literature that says Irvington Public
3 School students are on their cell phones or
4 using their cell phones for seven to eight
5 hours daily?

6 A. No.

7 Q. Has any Irvington Public
8 School student told the district, I use my
9 cell phone between seven and eight hours a
10 day?

11 A. No, but there have been some
12 that say that they're on social media
13 platforms a great amount of time. When
14 they were asked why they were chronically
15 absent, why are you absent all the time,
16 why are you tardy, because I'm on my phone.
17 And when asked, well, what are you doing on
18 your phone, I am on, you know, this, they
19 name specific sites.

20 Q. And numbers are not provided,
21 quantifications, the number of hours are
22 not provided --

23 A. No.

24 MR. INNES: Objection to form.

25 THE WITNESS: No, they don't.

CONFIDENTIAL

Page 356

1 BY MR. KARP:

2 Q. You testified earlier about
3 parental controls, do you recall?

4 A. Under -- can you refresh me?

5 Q. You testified earlier about
6 safety features on social media platforms,
7 do you recall?

8 A. Yeah, I believe I was asked a
9 question about safety features.

10 Q. Is the district aware that
11 Irvington Public Schools -- excuse me,
12 strike that.

13 Is the district aware that
14 parental controls can be -- can be set on
15 cell phones that Irvington Public School
16 students have?

17 MR. INNES: Objection to
18 scope.

19 THE WITNESS: When you say,
20 "cell phones that Irvington Public
21 Schools have," their own cell
22 phone?

23 BY MR. KARP:

24 Q. Strike that. Or let me ask a
25 different question.

CONFIDENTIAL

Page 357

1 A. Yes.

2 Q. Does the district decide
3 whether to put parental restrictions on an
4 IPS students cell phone?

5 MR. INNES: Objection to form.
6 Outside the scope of the exam.

7 THE WITNESS: No.

8 BY MR. KARP:

9 Q. Parents of students and
10 caretakers of students in Irvington Public
11 Schools would decide whether there are --
12 whether parental controls are utilized,
13 correct?

14 MR. INNES: Objection,
15 objection to form. Outside the
16 scope of the examination.

17 MR. KARP: You can answer.

18 THE WITNESS: Am I aware if
19 parents place these safety
20 features, no.

21 BY MR. KARP:

22 Q. The district is not aware of
23 whether that happens one way or another?

24 A. No.

25 Q. Is the district aware that

CONFIDENTIAL

Page 358

1 there are teen accounts for some social
2 media platforms?

3 MR. INNES: Objection to form.
4 Outside the scope of the exam.

5 THE WITNESS: Yes.

6 BY MR. KARP:

7 Q. Whose decision, is it
8 Irvington Public Schools' decision whether
9 one of its students has a social media
10 account in the first place?

11 MR. INNES: Objection to form.
12 Outside the scope.

13 THE WITNESS: No.

14 BY MR. KARP:

15 Q. Earlier you testified that
16 the second grader who participated in
17 that -- in that incident had a social media
18 account, correct?

19 A. Yes.

20 Q. Was it Irvington Public
21 Schools' decision to allow that student to
22 have a social media account?

23 A. No.

24 Q. That would have been her --
25 that would have been someone else, correct?

CONFIDENTIAL

Page 359

1 MR. INNES: It assumes facts
2 not in evidence.

3 THE WITNESS: As far as I
4 know, she was savvy enough to
5 create it herself.

6 BY MR. KARP:

7 Q. You amended your answer --
8 or strike that.

9 I asked you about the
10 information and the percent allocations on
11 Exhibit A, do you recall?

12 A. I do.

13 Q. You amended your -- one of
14 your answers after we came back from a
15 break?

16 A. I did.

17 Q. Did you meet with counsel on
18 that break?

19 A. I did meet with counsel on
20 that break.

21 Q. Okay. And is it the
22 district's position that IPS students' use
23 of social media during lunch periods does
24 not affect the percent allocations on
25 Exhibit A?

CONFIDENTIAL

Page 360

1 MR. INNES: Objection to form.

2 THE WITNESS: It is our belief
3 that it does affect the items in
4 Exhibit A.

5 BY MR. KARP:

6 Q. And if cell phones were --

7 MR. INNES: Nope, we're done.
8 That's six minutes.

9 MR. KARP: Okay.

10 MR. INNES: Thank you very
11 much.

12 THE VIDEOGRAPHER: The time
13 right now is 6:08 p.m. We're off
14 the record.

15 - - - - -

16 (Discussion was held off the record.)

17 - - - - -

18 THE VIDEOGRAPHER: The time
19 right now is 6:10 p.m. We are back
20 on the record. Mr. Andrew Karp was
21 on the record for five hours and 52
22 minutes. Annie Showalter was on
23 the record for eight minutes.
24 Michael Innes was on the record for
25 16 minutes.

CONFIDENTIAL

Page 361

1 And on the 30(b)(6)
2 deposition of Shelley Pettiford,
3 I want to make a correction,
4 Mr. Andrew Karp was on the record
5 for two hours and 25 minutes.
6 The time right now is 6:10 p.m.
7 We are off the record.

8 - - - - -

9 (Whereupon, the deposition
10 was concluded at 6:10 p.m.)

11 - - - - -

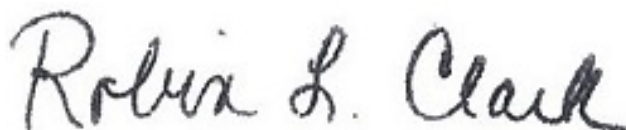
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CONFIDENTIAL

Page 362

C E R T I F I C A T I O N

I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on May 16, 2025, and that this is a correct transcript of same.



Robin L. Clark

Registered Professional Reporter

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.)

CONFIDENTIAL

Page 363

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections.

You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

CONFIDENTIAL

Page 364

	PAGE	LINE	CHANGE
1			- - - - -
2			E R R A T A
3			- - - - -
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

CONFIDENTIAL

Page 365

ACKNOWLEDGMENT OF DEPONENT

I, DR. APRIL VAUSS, do hereby
certify that I have read the foregoing pages
and that the same is a correct
transcription of the answers given by me to
the questions therein propounded, except for
the corrections or changes in form or
substance, if any, noted in the attached
Errata Sheet.

DATE

SIGNATURE

Subscribed and sworn to before me this
day of ,
2025.

My commission expires:

Notary Public